THE FRIEDMAN REPORT: SCHOOL CHOICE IN THE STATES PAGES 12-17

EXCLUSIVE INTERVIEW WITH POLLY WILLIAMS PAGES 10-11

School Reform News

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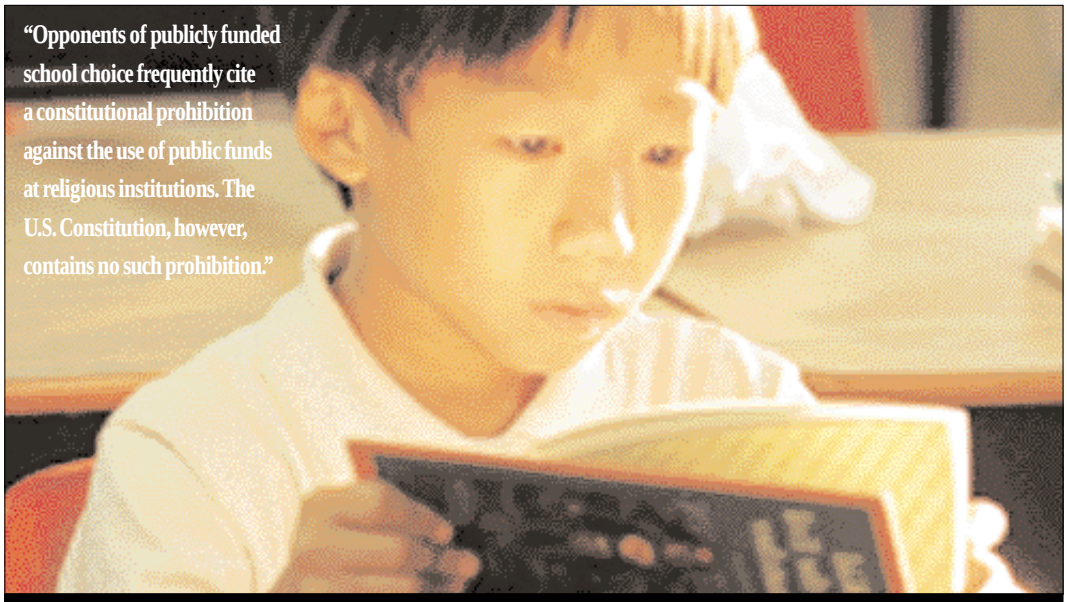
Blaine Amendment Falls in WA

Ninth Circuit Court rules state cannot prohibit aid to religious schools


"Opponents of publicly funded school choice frequently cite a constitutional prohibition against the use of public funds at religious institutions. The U.S. Constitution, however, contains no such prohibition."

Fourth-grade pupil Ger Lor reads prior to prayer assembly at St. Rose Catholic Urban Academy in Milwaukee, Wisconsin. St. Rose has been an experimental voucher school for a decade. *photo/David Trotman*

BY DAVID W. KIRKPATRICK

On July 18, just three weeks after the Court's landmark *Zelman* ruling, members of the United States Court of Appeals for the Ninth Circuit voted 2-1 to invalidate a Washington State law that was used to deny a state "Promise Scholarship" to an otherwise-eligible college student because the student was studying theology at a religious institution.

"A state law may not offer a benefit to all ... but exclude some on the basis of religion," wrote Judge Pamela Ann Rymer in *Davey v. Locke*.

The state defended the discriminatory policy under the religious establishment clause of its state constitution, which contains "one of the most notorious and broadly construed Blaine Amendments in the nation," according to the Institute for Justice.

"Washington's interest in avoiding conflict with its own constitutional constraint against applying money to religious instruction is not a compelling reason to withhold scholarship funds for a college education from an eligible student just because he personally decides to pursue a degree in theology," wrote Rymer. Her decision, in effect, finds the state's Blaine amendment in conflict with the U.S. Constitution and overrules it.

BLAINE continued on page 18

Camden Is First to Call for Vouchers

City Council unanimously calls for parental choice program

BY GEORGE A. CLOWES

The first shot fired in the post-Cleveland phase of the school voucher battle was heard in the City Council Chambers of Camden, New Jersey, on July 25, less than a month after the U.S. Supreme Court upheld the constitutionality of parental choice programs that include religious schools. Camden is located in historically revolutionary territory, just across the Delaware River from Philadelphia and Independence Hall.

In an unprecedented action, the seven members of the Camden City Council unanimously passed a resolution on July 25 asking the governor and legislature of the Garden State to make a school voucher program available to families with children in the city's public schools. The Camden City Council is the first municipal governing body in New Jersey to request such action.

Camden is one of 30 so-called Abbott districts in New Jersey. These districts, with low property tax bases, receive supplemental funding from the state to push their per-pupil funding above many suburban districts. Based on its current budget, the Camden district has revenues of approximately $15,600

CAMDEN continued on page 7

Disabled Children Need a Better IDEA

Program turns parents and teachers into adversaries

BY ROBERT HOLLAND

It began in 1975 as a federal enactment intended to safeguard the individual rights of disabled children. However, 27 years later, the Individuals with Disabilities in Education Act (IDEA) has dissolved into a litigious morass that values process more highly than each child's achieving good results.

Parental choice offers the best hope for reforming this $50 billion-a-year program.

Those are the conclusions of a new study by two Cato Institute education specialists, Marie Gryphon and David Salisbury. IDEA is due for congressional reauthorization this year, but partisan differences are expected to delay passage of any bill well into 2003.

At the core of IDEA's original good intentions is the Individualized Educational Plan (IEP), which public schools must create for each child deemed disabled. Gryphon and Salisbury note the IEP is just the opening salvo in a highly contentious process known as the "dispute resolution model" that practically guarantees parents and special educators will become adversaries instead of allies in helping the child.

"Procedural requirements intended to empower parents, such as a seemingly endless series of meetings to which they must be invited, have failed to live up to their promise," the Cato scholars assert. "Many IDEA parents feel intensely marginalized by IDEA's processes, which are driven by school district employees bent on preserving the special-education nest egg for future

IDEA continued on page 6

INSIDE SRN

4 Commission Reports on Special Ed
6 Limits Eased on Single-Sex Schools
7 Gender Gap Favors Girls
8 Calculating Teacher Union Clout
18 Judge Rejects Florida Vouchers

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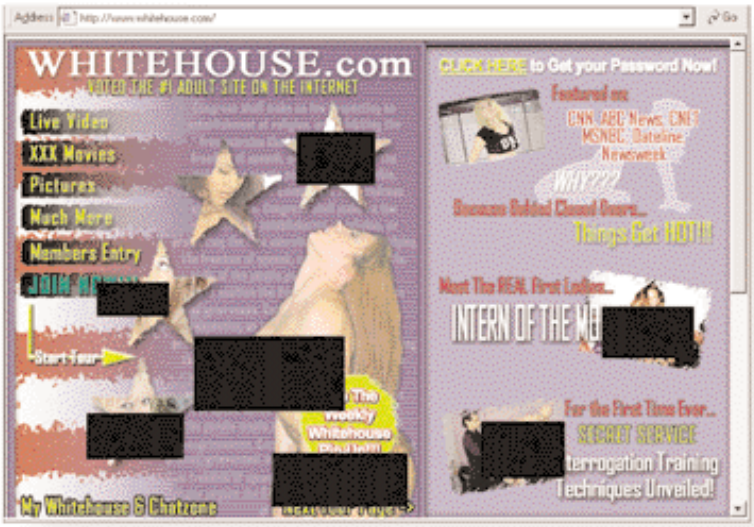

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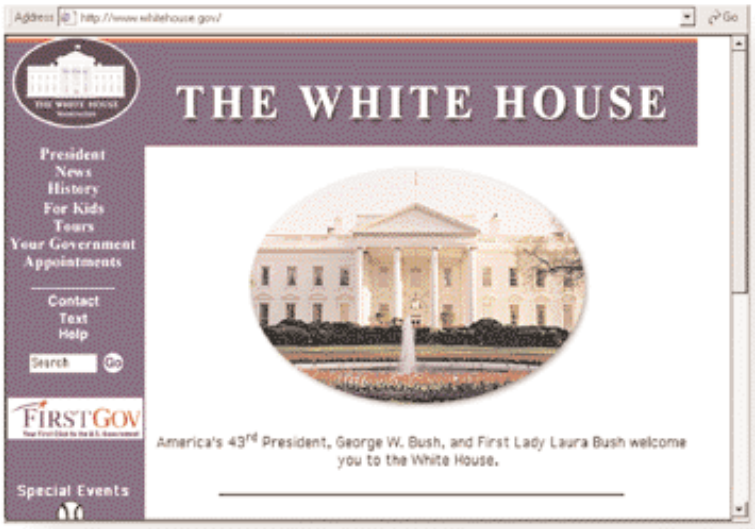

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Presidential Commission Reports on Special Education

A Presidential panel in July established markers that may prove crucial as Congress undertakes its reauthorization of special-education programs over the coming months.

In its report, "A New Era: Revitalizing Special Education for Children and Their Families," the President's Commission on Excellence in Special Education highlighted several areas it found to be in need of substantial change.

The report illuminates several instances where current federal law fails to help disabled children, making it more difficult for them to receive essential services.

The bipartisan Commission called for implementing a new system for providing all parents with meaningful information about their children's progress, based on objective performance measures. It also called for making funds from the Individuals with Disabilities Education Act (IDEA) available to parents when their children are not making progress. Parents would be permitted to use the funds to place their children in different schools or contract for services of their own choosing.

House Testimony

In testimony before the House Education Committee, Commission Chairman Terry Branstad, governor of Iowa, described the current system as one of "process over results and compliance over student achievement," with "incentives for misidentification of students."

"When a child fails to make progress in special education, parents don't have adequate options," the Commission reported. "Parents have their child's best interests in mind, but they often do not feel they are empowered when the system fails them."

The Commission's report quotes economist Julie Berry Cullen, who found increased funding for special-education services does not result in improvements in the quality of special-education programs. The increased funding does, however, result in increased identification rates for certain high-incidence disabilities.

The Commission's findings affirm the need for consequential reform in many areas of special education. For instance, the Commission found minority children, especially African-Americans, are over-represented in certain categories of disability, such as mental retardation and emotional disturbance. There has been an "explosive growth," noted the Commission, in the number of students classified with other disabilities, including those labeled learning disabled.

The Senate Education Committee also heard testimony from Branstad on the Commission's findings.

Overidentification

Representative John Boehner (R-Ohio), chairman of the House Education Committee, questioned Branstad regarding possible remedies for the overidentification of students into special education. The Commission concluded most children are identified into special education as the result of teacher referral. Branstad stressed improving the preparation and training of these teachers should be a crucial element of reform.

In a June hearing, the House Committee heard testimony from its retired chairman, former Representative Bill Goodling, who presided over the previous IDEA reauthorization. Goodling encouraged members to reconsider several reforms that passed the House in 1997 but were rejected by the Senate. He described the current law as "regulation-burdened" and noted IDEA funding has nearly tripled over the past six years.

Opportunity for Reform

The bipartisan Commission based its findings on an extensive series of hearings in several cities on various aspects of special-education law. Both Congress and the White House signaled they would wait for the report before proceeding with plans to reauthorize special-education programs.

With the Commission's findings as a starting point, policymakers have a unique opportunity to repair key special-education programs. Democratic and Republican leaders have expressed hope that such timely reforms will extend the important advances of the No Child Left Behind Act to serve all students receiving special-education services.

Federal Tax Credits

Also in July, Congressman Bob Schaffer (R-Colorado) introduced two prominent pieces of school reform legislation.

The first, the Back to School Education Tax Relief Act (HR 5193) would extend the $3,000 deduction for higher education expenses enacted last year as part of President George W. Bush's tax relief package. The extension would cover qualified K-12 expenses for lower-income families including tuition, books, and transportation at public, private, parochial, or home schools. Families with adjusted gross incomes of $40,000 or less would qualify, as would individuals with incomes less than $20,000. The bill was scheduled for markup in the House Ways and Means Committee in late July.

Schaffer's second bill, the Education Freedom Act (HR 5192), introduced a tax credit for donations by individuals or corporations to qualified scholarship organizations, called "education investment organizations," or to public and private schools. Although two Democrats, Representatives William Lipinski (D-Illinois) and Ronnie Shows (D-Mississippi), agreed to cosponsor the legislation, it was not expected to be considered by the Ways and Means Committee this year.

Don Soifer is executive vice president of the Lexington Institute. His email address is soifer@lexingtoninstitute.org.

For more information…

WWW The report from the President's Commission on Excellence in Special Education is available online at **www.ed.gov/inits/commissionsboards/whspecialeducation/**.

The full text of Congressman Bob Schaffer's two bills is available at the Thomas Web site. Point your Web browser to **http://thomas.loc.gov/** and search for bill no. HB 5192 or HB 5193.

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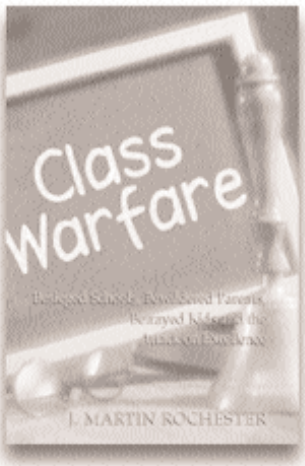
SHARP EDUCATIONAL TOOLS

"Mr. Stern is a white Jew who passionately documents the benefits enjoyed by black and Hispanic students at Catholic and evangelical Christian schools. And he, unlike so many other intellectuals in the vouchers debate, has plenty of first-hand experience with city schools."

—The New York Times

ISBN: 1-893554-07-4
$24.95, 230 pages

Sol Stern vividly describes how cash-starved Catholic schools in the South Bronx and other similar areas across the country are performing small educational miracles every day with children the public schools have given up on. Drawing on personal observation and intimate conversations with parents, students and educators in New York, Milwaukee, Cleveland and other cities gripped by a school crisis, Breaking Free is the first book to transform school choice from an abstract policy issue into a question of basic personal freedom.

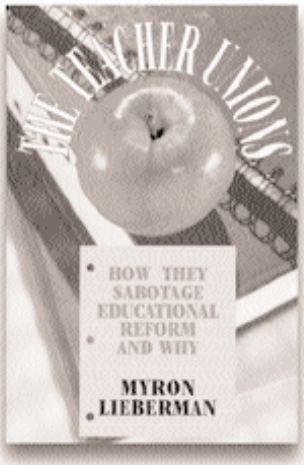


"This book shows us the intellectual absurdities, faddism and tedium that all too often characterize the contemporary classroom. Rochester is a sort of Everyparent — wanting the best for kids, understanding the problems teachers face, trying to help through personal involvement, but winding up deeply disillusioned."

—David Horowitz

ISBN: 1-893554-53-8
$26.95, 250 pages

Martin Rochester takes the reader on a field trip that begins with his own upper-middle-class suburban school district in St. Louis and then moves on to inner-city locales and some of the best private schools, showing along the way how "pack pedagogy" has steamrolled parental resistance in promoting disasters such as whole language reading, fuzzy math, multiple intelligences theory, and all the other fads found in today's schools.

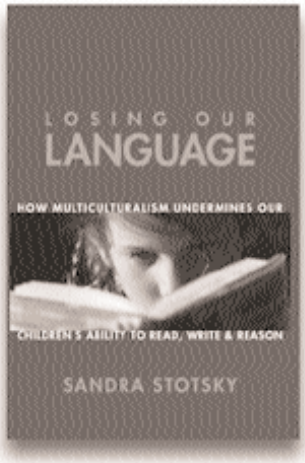


"The most comprehensive account yet of how the public schools are failing us and why…Brutally honest and politically incorrect. Everyone who cares about American education should read it."

—Washington Post Educational Review

ISBN: 1-893554-21-X
$16.95, 264 pages

A powerful exposé on how the NEA and AFT use their power to smother desperately needed educational innovations. Lieberman's provocative diagnosis of what ails American education is on the money. So is his prescription for change—that teachers would be better served by professional organizations that did not waste money on affluent bureaucrats; and parents and children would be better served by organizations that focused on education improvement, not social engineering.



"Reading Losing Our Language should send parents rushing to their school board with pointed questions."

—Wall Street Journal

ISBN: 1-893554-48-1
$16.95, 288 pages

Maverick Harvard educational researcher Sandra Stotsky shows how the incorporation of a multicultural agenda into basal readers, the primary tool for teaching reading in elementary school, has had a disastrous effect on students' reading and test scores. Instead of using classic stories like Arabian Nights and Robinson Crusoe, which enlarge imagination as well as vocabulary, these readers now give students politically and ethnically correct stories whose concepts are banal and whose language—including Swahili and other trendy dialects—is literally foreign.

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Feds Plan to Ease Restrictions on Single-Sex Schools

Change will provide more options for parents

BY KRISTA KAFER

The U.S. Department of Education has announced it intends to relax regulations on single-sex schools and classes while continuing to prohibit discrimination in accordance with the Education Amendments of 1972.

Currently, stringent regulations restrict the opening of all-boys and all-girls public schools, although research shows such environments promote academic achievement, particularly for disadvantaged youth.

Title IX of the Education Amendments of 1972 prohibits sex-based discrimination in education programs supported by federal aid. The law states no person can be excluded from participation in or be denied the benefits of a program or activity on the basis of sex. Current Title IX regulations generally prohibit single-sex classes or activities. Exceptions are made for physical education activities that require bodily contact, sexual education classes, remedial education, and affirmative action.

While the regulations do not outright prohibit same-sex schools, they make it difficult for school districts to open and operate them. Only 11 such public schools exist in the U.S.

Research suggests single-sex schools and classes benefit girls and low-income and minority boys. Benefits include enhanced achievement, character development, and reduced disciplinary problems.

Regulatory flexibility would enable more school districts to open single-sex schools and classes. The addition of new schools would give parents more options for their children's schooling, and would also enable researchers to take a closer look at the benefits of single-sex education.

The No Child Left Behind Act of 2001 required the Department of Education to issue guidelines regarding single-sex classes and schools within 120 days of enactment. The Department issued notice in May, calling for written comments on its proposal to support single-sex education. The department would allow school districts to use funds for single-sex classes and schools so long as they are consistent with Title IX.

July 8 was the deadline for written comments on the department's proposal. After reviewing the comments, the department will issue new regulations and give the public an opportunity to review them and make further recommendations.

FOR MORE INFORMATION...

WWW The U.S. Department of Education's May 8 news release concerning its approach to single-sex schools is available on the Internet at **http://www.ed.gov/PressReleases/05-2002/05082002.html**. That document includes links to the department's published notice of intent to regulate (**http://www.ed.govocr/t9-noi-ss.html**) and guidelines for single-sex schools and classes (**http://www.ed.gov/ocr/t9-guidelines-ss.html**).

Krista Kafer is senior policy analyst for education at The Heritage Foundation. Her email address is krista.kafer@heritage.org.

IDEA continued from page 1

litigation-generated emergencies.

"School personnel usually arrive at the required meeting with a plan to present to parents as a *fait accompli*. They have superior knowledge of the ins and outs of IDEA and often intimidate parents who want a real role in the process [characterized by] professional jargon and procedural hardball."

In essence, the protracted IEP process degenerates into preparation by school officials for a potential lawsuit. Parents can receive a lot or a little in the way of services for their child depending on how savvy they are about dealing with legal matters.

Clint Bolick, a public-interest lawyer with the Institute for Justice and parent of a child with a diagnosis of borderline learning-disabled, once observed: "If it's this perverse for me, I wonder how the system works for parents who, unlike me, do not sue bureaucrats for a living."

Toll on Teachers

The Byzantine nature of the process also takes its toll on special-education teachers. In some school districts, those teachers spend almost 50 percent of their time filling out paperwork. A federal survey showed excessive paperwork and bureaucratic meetings were the top two reasons special educators gave for quitting their jobs, a trend that has worsened the teacher shortage in this specialized field.

Another perverse effect of the federal law is that it has given school districts a financial incentive to over-identify children as disabled. The more pupils so labeled, the more federal and state funds a school district receives. In many cases, these children may be low achievers but not disabled by any rational understanding of that word.

Euphemistically called "specific learning disabilities," this condition is, to the contrary, often so vague as to make it possible to label any child struggling with his studies as Learning Disabled. In a great many cases, the problem may be simply that the child hasn't been taught to read. Eight in 10 children identified as having learning disabilities encounter their primary difficulties in reading.

For more information...

WWW The Cato Institute study by Marie Gryphon and David Salisbury, "Escaping IDEA: Freeing Parents, Teachers, and Students Through Deregulation and Choice," can be found at **www.cato.org**.

A Yankee Institute study by Lewis M. Andrews, "More Choice for Disabled Kids: Lessons from Abroad," is available at **www.yankeeinstitute.org**.

Life Sentence

Once consigned to special education, many children stay there in what some have termed a "life sentence." Economist Eric Hanushek found the average educational gain for students diagnosed with learning disabilities and placed in special education to be skimpy. Another study reported no measurable gain at all during the school year for 80 percent of poor readers in special-education remediation.

In Baltimore, for instance, only 9.6 percent of last year's special-education third graders scored satisfactory or better on the Maryland performance tests in reading. By the eighth grade, the special-ed students scoring satisfactory or better had dropped to 1 percent.

Because IDEA funding is based on regulatory compliance rather than producing academic results, perhaps it is unsurprising that states focus on bureaucratic process instead of academic improvement.

What does rise sharply under the current special-ed regime is spending. In 1977, services for disabled students represented 16.6 percent of total K-12 spending. Today, they account for 21.4 percent of the $360 billion spent on elementary and secondary education from local, state, and federal coffers.

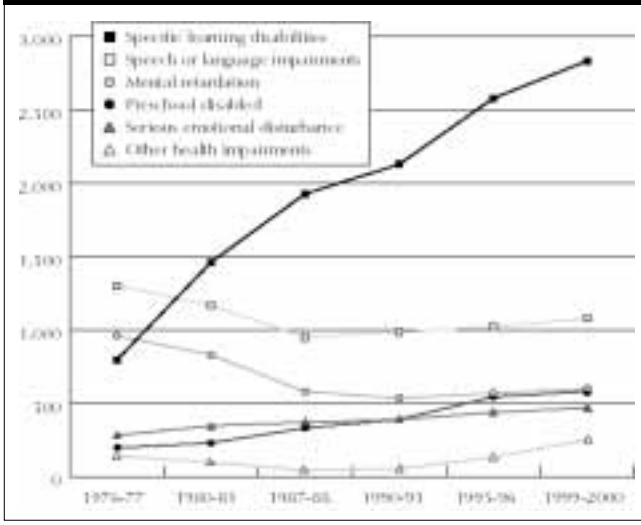
Parental Choice as the Solution

The Cato scholars advocate reform that would scuttle heavily bureaucratic dispute resolution and replace it with genuine private choice for parents of disabled children. States could implement such reform immediately, note Gryphon and Salisbury, simply by rejecting all federal funds from IDEA, and hence the strings attached to the money. They argue states could find they would *save* money by being freed from IDEA's costly compliance requirements.

Political pressures may well preclude state legislatures from turning down IDEA funds, the Cato authors concede. Congress thus ought to amend IDEA to allow states to opt into a reformed system based on parental choice and devoid of dispute resolution. Parents could select from a menu of special services developed by the public schools, or they could take their child's total subsidy to the private school of their choice.

Such a reformed approach would relieve parents of the Hobson's Choice they currently face: Accept an objectionable plan fashioned by the district, or gird for the financial and emotional costs of a protracted hearings-and-appeals process. Allowing parents to take their subsidy outside the system would remove any financial incentive for districts to over-identify children as learning disabled. Without so much paperwork and so many meetings, special educators could focus on teaching the children.

Number of Children in Federally Supported Programs for the Disabled, by Category of Disability (thousands)



Source: U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics, 2001* (Washington: U.S. Department of Education, 2002), p. 66, Table 52.

Florida a Reform Leader

With its McKay Scholarships (enacted in 1999 and expanded twice since), Florida has moved in the direction of choice-based reform of special education. Parents who are dissatisfied for any reason can use their subsidy to transfer their disabled child to the public or private school of their choice. Last year, more than 4,000 disabled children used their McKays to attend a private school of choice.

Although McKay is "a big step in the right direction," it remains hampered by IDEA's procedural tangle, Gryphon and Salisbury note. Parents must go through the IEP process and their children must spend at least a year following an IEP before the family may elect to take a McKay Scholarship. Savvy parents can use that process to win for their children larger scholarships than similarly disabled children receive.

Robert Holland is a senior fellow at the Lexington Institute, a public policy think tank in Arlington, Virginia. His email address is rholl1176@yahoo.com.

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Boys Lag Behind, but Extra Help Goes to Girls

BY KRISTA KAFER

While major newspapers reported boys falling behind girls in graduation rates and other key academic indicators, the U.S. Senate Appropriations Committee voted July 18 to give $3 million to the Women's Educational Equity Act (WEEA), a program whose authorizing legislation contends "teaching and learning practices in the United States are frequently inequitable as such practices relate to women and girls."

On July 8, the *Boston Globe* reported twice as many boys as girls are in special education in Massachusetts and across the nation. A few days later, the *Chicago Sun-Times* reported a similar trend in Illinois, and *Education Daily* reported Massachusetts girls are outpacing boys in high school and college graduation rates, academics, and honors.

Gap Favors Girls

While the newspaper articles focus on two states, the statistics nationwide are no different.

With regard to most academic measures, girls equal or outperform boys, and their success continues into adulthood. The gender gap in language tests, dropout rates, Advanced Placement participation, honors courses, and other indicators favors girls. The gender gap favoring girls in reading and writing is three times as large as the gap favoring boys in science and math.

For more information…

WWW On October 11, 2001, Krista Kafer wrote a Heritage Foundation *Backgrounder* on this issue, "Wasting Education Dollars: The Women's Educational Equity Act." The paper is available from The Heritage Foundation's Web site at **www.heritage.org/library/backgrounder/bg1490.html**.

Girls are more successful in language courses, are more involved in school activities, have higher rates of graduation at both high school and college levels, and are less likely to participate in high-risk behavior.

Boys, on the other hand, are more likely to experience academic or behavioral problems. Boys are more likely to repeat a grade. They are more likely to be suspended or to be involved with crime, drugs, and alcohol. Boys are more likely than girls to report violent victimization at school.

Two years ago, the U.S. Department of Education released a congressionally mandated study, *Trends in Educational Equity of Girls and Women*. Having analyzed 44 indicators—including academic achievement and behavioral outcomes—researchers concluded, "By most of these measures, females are doing at least as well as males."

Last year, the Educational Testing Service came to a similar conclusion in its report, *Differences in the Gender Gap*: "Females have made dramatic progress in educational attainment, across all racial/ethnic groups, pulling even with (and in some cases, surpassing) males."

WEEA Funding Continues

While the facts belie the assumption of gender inequity, Congress continues to fund the Women's Educational Equity Act. Enacted 28 years ago to promote "equity" in educational policies, programs, activities, and initiatives, WEEA programs have cost taxpayers roughly $100 million.

According to the U.S. General Accounting Office, no evaluations of WEEA projects have taken place, and thus there is "little evidence of their effectiveness in eliminating sex bias in education."

Last year, Congress voted to reauthorize WEEA as part of the No Child Left Behind Act of 2001. This year, the President's budget eliminates funding for WEEA. Nevertheless, the Senate Appropriations Committee has decided to fund the program. As of this writing, the House Appropriations Committee has not yet taken up education appropriations legislation.

Krista Kafer is senior policy analyst for education at The Heritage Foundation. Her email address is krista.kafer@heritage.org.

Camden residents attend a City Council meeting on July 25, where council members unanimously approved a resolution requesting a school voucher program. *photo/Derrell Bradford*

Council members Ali Sloan-El, Dana Reed, and Francisco Moran.

For more information…

WWW More information on the Newark-based Excellent Education for Everyone is available on the group's Web site at **www.nje3.org**.

CAMDEN continued from page 1

per pupil, compared to a statewide average of $12,160 for the 2001-02 school year.

"Every parent has a right and a choice to put their child in [any] school, charter or private for that matter," said Angel Fuentes, president of the Camden City Council. "This allows parents to make that decision. I am in full support."

The voucher measure the City Council has in mind is based on the nation's first modern school choice program, the Milwaukee Parental Choice Program, which currently serves more than 10,000 students. The Camden model would give families a tuition voucher worth approximately $6,000 to use at any participating private school, which would be required to accept the voucher as full payment and also comply with a random admissions policy.

"This is geared toward empowering parents and giving them responsibility to keep them more involved," said Councilmember at-large C. Louise Dobbs, a former public school teacher. "Children need the support of their parents."

The City Council's resolution needs support, too—from the state legislature and the governor—for vouchers to become a reality for the 18,000 children in the Camden public schools. Getting that support will be a challenge. Although nothing in the state constitution prohibits what the council is calling for, the legislature hasn't backed voucher programs in the past and Governor James E. McGreevey, a Democrat, is opposed to vouchers.

Nevertheless, the Council vote is the first indication of how the U.S. Supreme Court ruling may be changing the way urban parents and their local representatives view parental choice reforms in relation to other education reforms that are imposed on them—which, in Camden's case, involves the governor taking authority away from the local school board and its $282 million budget.

Seizing Control of Camden Schools

Under a $175 million recovery plan for Camden that McGreevey signed into law on July 23, the governor essentially took control of the Camden public schools and assumed veto power over all school board decisions. Elections are suspended for the next two years while current board members complete their terms and make way for new appointees. A new nine-member board will replace the current six-member elected school board, with three members appointed by McGreevey, three appointed by Camden Mayor Gwendolyn Faison, and only three chosen by Camden voters.

The school board's response to the takeover was to file suit to halt the changes. The board's action was supported by the Camden County NAACP, whose president, Colandus "Kelly" Francis, pointed out that cities and school districts with majority white populations had never been subjected to this kind of state control.

"Poverty is not a justification for denial of democratic abilities or rights of Camden residents to determine their direction and destiny like all residents of New Jersey," he told the *Philadelphia Inquirer*.

A coalition of community groups also prepared to file a civil rights lawsuit charging the recovery plan deprives residents of their right to choose their own elected officials. The recovery money wouldn't be going to the poor in the community, anyway, according to City Councilman Ali Sloan-El, but instead would be going to those with political connections, such as contractors, lawyers, and unions.

"There's all this talk about all the money that they're getting to reform the city, but the regular people who live there aren't going to see any of that money," agreed Derrell Bradford, communications director for Excellent Education for Everyone (E3), a pro-voucher grassroots group based in Newark. E3 backs the Council resolution, contending poor parents have a right to choose the environment in which their children are educated—a right routinely exercised by parents in wealthy school districts. (See "It's All About Money and Power," *School Reform News*, March 2002.)

In a court brief, Deputy Attorney General Michelle Miller pointed out Camden residents would still vote on the district's annual budget and for the mayor, who appoints three board members. Thus, she argued, Camden's voters are not disenfranchised by the governor's veto power over the school board and his appointment of three board members.

Bradford doesn't see it that way. He views the recovery plan's treatment of Camden's voters—marginalizing their authority rather than enhancing it—as an example of how Democrats take the support of urban black and Latino voters for granted. Even though people in low-income communities support vouchers by a 2:1 margin, he noted, Camden County voters supported McGreevey by almost a 2:1 margin over voucher advocate Bret Schundler in last November's election.

Now, with its resolution in favor of vouchers, the City Council is calling on McGreevey to adopt Schundler's position on vouchers.

"We're not trying to eliminate public education, we're trying to improve the system," said Councilman Francisco Moran.

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Calculating NEA and AFT "Market Share" by State

BY MIKE ANTONUCCI

The clout of the National Education Association and American Federation of Teachers is primarily due to manpower and financial resources of their vast membership.

It is obviously in the unions' interest to magnify their numbers as much as possible. That is particularly true in right-to-work states, where the unions not only compete with other organizations for members, but must also deal with individuals who choose to belong to no organization at all.

The accompanying table provides an admittedly imperfect measure of the unions' "market share": their strength relative to their potential strength. The table does, however, eliminate two biases that have afflicted previous examinations of NEA-AFT membership numbers. First, the table here counts only those who work in public education. In the case of the AFT, the table also eliminates those who work in higher education. While these members obviously add to the strength of the unions in general, they cloud the picture of union influence over K-12 public education.

Second, the table eliminates the double-counting of merged affiliates. When the NEA and AFT affiliates merged in Minnesota, NEA claimed the former Minnesota Federation of Teachers members in its total numbers, and AFT claimed the former Minnesota Education Association members in its total numbers. According to the unions, the merger produced a combined growth of 70,000 members. In fact, it produced no net change in combined membership for the two organizations. The same holds true in Florida, Montana, Los Angeles, San Francisco, Wichita, and Austin.

NEA-AFT Membership as a Percentage of Organizable Public K-12 Workforce in the United States and Territories, 2000-01

State	Total K-12 Staff	K-12 Teachers (1)	NEA Active Members	NEA % of Total	AFT 'Votes'	AFT % of Total	NEA-AFT Combined Totals (2)	NEA-AFT % of Total
U.S.	5,220,631	2,999,626	2,375,873	45.5%	646,710	12.4%	2,865,550	54.9%
Alabama	81,891	48,199	67,954	83.0%	1,646	2.0%	69,600	85.0%
Alaska	13,555	7,880	10,049	74.1%	1,891	14.0%	11,940	88.1%
Arizona	80,866	44,438	28,775	35.6%	97	0.1%	28,872	35.7%
Arkansas	57,453	31,947	14,380	25.0%	0	0.0%	14,380	25.0%
California	472,586	298,064	302,637	64.0%	39,029	8.3%	312,450	66.1%
Colorado	73,947	41,983	32,137	43.5%	1,971	2.7%	34,108	46.1%
Connecticut	74,193	41,044	35,049	47.2%	14,426	19.4%	49,475	66.7%
Delaware	11,275	7,471	9,554	84.7%	0	0.0%	9,554	84.7%
Florida	240,450	132,030	112,972	47.0%	83,882	34.9%	112,972	47.0%
Georgia	169,272	91,044	31,064	18.4%	2,922	1.7%	33,986	20.1%
Hawaii	16,809	10,927	12,487	74.3%	0	0.0%	12,487	74.3%
Idaho	22,221	13,714	11,275	50.7%	19	0.1%	11,294	50.8%
Illinois	224,394	127,620	109,495	48.8%	59,331	26.4%	168,826	75.2%
Indiana	115,341	59,226	46,643	40.4%	3,996	3.5%	50,639	43.9%
Iowa	60,397	34,636	37,139	61.5%	0	0.0%	37,139	61.5%
Kansas	57,902	32,742	25,849	44.6%	1,912	3.3%	25,849	44.6%
Kentucky	82,839	39,589	31,782	38.4%	0	0.0%	31,782	38.4%
Louisiana	94,441	49,916	17,001	18.0%	14,196	15.0%	31,197	33.0%
Maine	30,081	16,559	20,154	67.0%	0	0.0%	20,154	67.0%
Maryland	87,726	52,433	52,393	59.7%	8,651	9.9%	61,044	69.6%
Massachusetts	109,552	67,432	89,334	81.5%	14,989	13.7%	104,323	95.2%
Michigan	192,923	97,031	131,866	68.4%	19,518	10.1%	151,384	78.5%
Minnesota	93,044	53,457	74,738	80.3%	34,962	37.6%	74,738	80.3%
Mississippi	58,358	31,006	6,178	10.6%	542	0.9%	6,720	11.5%
Missouri	105,298	64,739	26,699	25.4%	3,973	3.8%	30,672	29.1%
Montana	17,607	10,411	13,107	74.4%	3,215	18.3%	13,107	74.4%
Nebraska	36,498	20,983	21,891	60.0%	0	0.0%	21,891	60.0%
Nevada	28,164	18,294	22,769	80.8%	0	0.0%	22,769	80.8%
New Hampshire	25,850	14,341	12,615	48.8%	316	1.2%	12,931	50.0%
New Jersey	164,483	99,718	154,814	94.1%	6,805	4.1%	161,619	98.3%
New Mexico	38,872	21,043	6,702	17.2%	3,527	9.1%	10,229	26.3%
New York	374,002	206,961	39,320	10.5%	209,389	56.0%	248,709	66.5%
North Carolina	156,253	83,680	52,681	33.7%	26	0.0%	52,707	33.7%
North Dakota	13,767	8,141	7,140	51.9%	0	0.0%	7,140	51.9%
Ohio	188,597	118,361	116,270	61.6%	13,276	7.0%	129,546	68.7%
Oklahoma	67,332	41,318	25,507	37.9%	2,912	4.3%	28,419	42.2%
Oregon	49,216	28,094	38,765	78.8%	2,481	5.0%	41,246	83.8%
Pennsylvania	202,813	116,963	138,378	68.2%	29,116	14.4%	167,494	82.6%
Rhode Island (3)	15,947	10,646	9,059	56.8%	7,282	45.7%	16,341	102.5%
South Carolina	76,992	45,380	10,425	13.5%	0	0.0%	10,425	13.5%
South Dakota	16,347	9,397	6,641	40.6%	0	0.0%	6,641	40.6%
Tennessee	101,069	61,233	47,100	46.6%	0	0.0%	47,100	46.6%
Texas	501,018	274,826	47,230	9.4%	22,449	4.5%	65,833	13.1%
Utah	36,946	22,008	18,347	49.7%	0	0.0%	18,347	49.7%
Vermont	16,284	8,414	9,056	55.6%	0	0.0%	9,056	55.6%
Virginia	148,595	91,560	55,066	37.1%	4,921	3.3%	59,987	40.4%
Washington	87,299	51,098	71,970	82.4%	590	0.7%	72,560	83.1%
West Virginia	34,893	20,930	14,615	41.9%	2,534	7.3%	17,149	49.1%
Wisconsin	98,823	62,332	85,780	86.8%	1,737	1.8%	87,517	88.6%
Wyoming	12,423	6,783	5,701	45.9%	0	0.0%	5,701	45.9%
Dist. of Columbia	9,413	4,949	427	4.5%	4,057	43.1%	4,484	47.6%
Federal	10,278	7,504	6,229	60.6%	0	0.0%	6,229	60.6%
Puerto Rico	61,514	37,620	664	1.1%	22,218	36.1%	22,882	37.2%
Virgin Islands	2,522	1,511	0	0.0%	1,906	75.6%	1,906	75.6%

Footnotes:
(1) The total U.S. figure differs from the one cited by NCES (2,952,991) since the NCES total includes the figures for the 50 states and D.C. but excludes the figures for other territories.
(2) Total figures eliminate double-counting of 237,700 members in merged states of Florida, Minnesota, and Montana plus members in dual-affiliated locals in California, Kansas, and Texas.
(3) Total for Combined NEA-AFT over 100% likely due to significant number of NEA members in higher education in this state.

An Upper Limit

The total number of employees in the public school system is derived from Table 3 in an April 2002 U.S. Department of Education study titled *Public School Student, Staff, and Graduate Counts by State: School Year 2000-01* by Beth Aronstamm Young.

For this analysis, total K-12 staff—the second column of the accompanying table—is defined to include all teachers, instructional aides, instructional coordinators and supervisors, guidance counselors, librarians, student support staff, and other education support personnel. It excludes, however, school administrators, district administrators, and their support staff, on the supposition that the vast majority of these employees are ineligible for membership in NEA and AFT. The number in the second column thus defines the upper limit for K-12 union membership in each state.

"Notably, the two unions combined have managed to capture only a little over half (54.9 percent) of total K-12 staff across the U.S."

NEA Members

The number of NEA active members for 2000-01 (the fourth column) comes from the union's annual report on membership to the NEA Representative Assembly. As reported by the NEA, these numbers do not include substitute, staff, student, or retired NEA members—about 231,000 people. Although important to the union's overall strength, these people are not regularly employed in the public school system.

Unfortunately, because the NEA does not break them out, the NEA active numbers *do* include those members who work in higher education—about 100,000 members nationwide. Thus, the NEA numbers in the table overstate its K-12 membership by about 4 percent. The NEA numbers count each individual as one member, regardless of whether that individual is full-time or part-time.

AFT Members

The AFT numbers are more problematic, as they do not equal "members" at all. These are votes allotted, based on membership numbers, to AFT locals at the 2002 AFT Convention. "Votes" are roughly equal to the number of full-time equivalent employees who are members of the union. For example, two half-time employees equal only one vote.

Moreover, the AFT numbers do not count the members of some of the organization's smallest locals, who did not send representatives to the convention and thus had no votes. Finally, the number of votes is based on average AFT membership between the years 2000 and 2002, which means they are probably very close to 2000-01

NEA-AFT continued on next page

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NEA-AFT continued

numbers, but are not a snapshot accounting as NEA's numbers are. Total AFT numbers likely are understated in the table by about 10 percent.

But since the unions' double-counting of merged affiliates exaggerates their numbers by more than 6 percent, and the number of higher education, retired, and non-education members also helps exaggerate the unions' market share in K-12 public education, this table is at least as accurate a picture of union influence as raw membership numbers.

For more information…

WWW The April 2002 U.S. Department of Education report by Beth Aronstamm Young, *Public School Student, Staff, and Graduate Counts by State: School Year 2000-01*, is available at the Web site of the National Center for Education Statistics at **http://nces.ed.gov/pubs2002/2002348.pdf**.

What the Table Tells Us

The largest NEA-AFT combined "membership" totals lie mainly in the states with the largest numbers of K-12 staff, with Texas and Georgia being notable exceptions. More than 50 percent of NEA-AFT national "membership" strength comes from just eight states: California (10.9 percent of total U.S. members), New York (8.7 percent), Illinois (5.9 percent), Pennsylvania (5.8 percent), New Jersey (5.6 percent), Michigan (5.3 percent), Ohio (4.5 percent), and Florida (3.9 percent).

In a dozen states, the NEA-AFT share of potential membership exceeds 80 percent, with the shares in Rhode Island, New Jersey, and Massachusetts exceeding 90 percent. However, NEA-AFT share of potential membership is 25 percent or less in five states: Mississippi (11.5 percent), Texas (13.1 percent), South Carolina (13.5 percent), Georgia (20.1 percent), and Arkansas (25.0 percent). Notably, the two unions combined have managed to capture only a little over half (54.9 percent) of total K-12 staff across the U.S.

While the NEA share of potential membership exceeds 50 percent in 25 states, the AFT share among the states rises above 50 percent only in New York (56.0 percent). In fact, the AFT share of potential membership exceeds 25 percent in only five states—New York, Rhode Island, Minnesota, Florida, and Illinois—and three federal jurisdictions—the Virgin Islands, Puerto Rico, and the District of Columbia.

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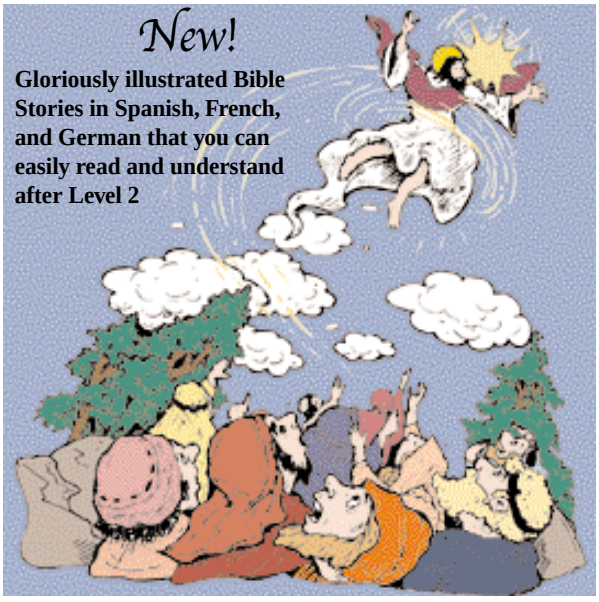

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THIRTEEN YEARS AGO,

Wisconsin State Representative Annette Polly Williams, an independent black Democrat from Milwaukee, took an historic step that earned her the title, "the Rosa Parks of vouchers."

Fed up with how her low-income constituents never seemed to reap the benefits of programs intended to improve the education of their children, Williams defied her own party's anti-voucher policy and formed an alliance with conservative Democrats and Republican legislators to achieve passage of the Milwaukee Parental Choice Program, the first school voucher program of the modern era. Four years later, she again worked with GOP lawmakers to include religious schools and a larger number of students in the Expanded Milwaukee Parental Choice Program.

Despite desegregation orders, additional funding, and programs such as the creation of magnet schools, low-income families in Milwaukee in the 1970s and 1980s found their children still largely confined to low-performing schools and rarely qualified to attend better schools. The answer, decided Williams, was to put the public funds for a child's education in the hands of the parents and let them spend those funds at a private school if their child's public school wasn't satisfactory.

In Williams' view, a school voucher plan must have the following components:

- Only low-income parents may qualify for a voucher;
- Parents decide where to spend the voucher; and,
- Participating schools can't pick and choose among voucher students.

Firm adherence to those three requirements has led to rifts between Williams and some of her former allies. She has denounced an attempt to expand the program beyond low-income families by Republican lawmakers and the Democratic Mayor of Milwaukee, John Norquist, who proposed the idea to stanch the loss of middle-income families from the city. Williams also has offered criticism of private scholarship organizations for redirecting charitable donations away from private schools, who use the funds to provide the same kind of tuition subsidy as scholarship organizations but without a third party screening low-income families.

A native of Betzoni, Mississippi, Williams moved to Milwaukee with her family in 1948 when she was 10 years old. She attended public schools in Milwaukee but sent her own four children to Urban Day School, a non-religious private school with a reputation for high standards.

In 1972, Williams took her life in a new direction when she became involved in politics and was instrumental in helping her cousin win election as Wisconsin's first black state senator. Four years later, she herself decided to run for office. She lost, ran again in 1978, and lost again. She didn't give up, ran again in 1980, and won.

Williams is now serving her 11th term of office and is currently unopposed in the November election. She recently spoke with *School Reform News* Managing Editor George Clowes.

MILWAUKEE: "The Model for the Nation"

AN INTERVIEW WITH

Annette Polly Williams

BY GEORGE A. CLOWES

CLOWES: *What made you focus on education reform?*

WILLIAMS: I have always been focused on education, even prior to my election to the state legislature. I was working with community organizations and groups to improve the schools in our community and to get a quality education for our students in the public schools. The problem was that our children—black children—were not making the grade.

One solution that people came up with for improving the education of black children was integration. Many of our black parents believed that if their children were going to school with white children, their children would benefit from whatever resources were available in those schools. But the burden of desegregation or busing was put on the black children. Our children were bused out of our community into the white community.

I was one of those who joined with other parents to vehemently oppose busing. We said that busing had to be "Two way, or no way." If black children were going to be bused into the white community, then white children should have been bused into the black community. But white parents wanted their children to stay in their own neighborhoods. As a result the law was implemented in favor of white children.

People assumed that when you integrated, you had to educate, but the integration law didn't require children being educated. Desegregation does not mandate education. I didn't feel that our children should have to leave their community and go into another community just to be educated. The tax dollars were supposed to be allocated to educate our children no matter where they were.

CLOWES: *What prompted you to back parental choice?*

WILLIAMS: We wanted the children to stay in their own community and have the resources there. We had been fighting for years to improve the public schools but it was falling on unresponsive ears. The system's attitude seemed to be, "What do parents know? They're not educated, so they don't know what's best." We said the parents should have more input in what was going on. We began asking, "How do we get more power to the parents to initiate what they think is best for their children?"

That's why we drafted the parental choice legislation ourselves—my office staff, Larry Harwell, and I. We tried to make sure that we looked at all the possible loopholes, to see where people could circumvent our intent. We specifically targeted low-income students. We didn't do it by race and we didn't specify at-risk. We said low-income families are the only ones that can participate in this program because those are the students and families who need help the most and who always get left out. We were putting power in the hands of low-income parents to make sure they really did benefit. This entire parental choice struggle is about who can control the educational dollars.

You see, historically, every time legislation is passed to help low-income families, the actual implementation of the legislation does not benefit them. The needs of low-income families are used to generate the funds because there isn't funding for a program to benefit upper-income families. The misery and poverty and the needs of the people at the bottom are used to justify the program, but when the program is approved and gets funded, others benefit.

Sometimes—depending on how loud or how large your crowd was—the system would come up with a small change, but it

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For more information…

WWW The 1990 legislation creating the Milwaukee Parental Choice Program is posted on SchoolReformers.com at: **www.schoolreformers.com/activist/cause/legislation/models/sl01.html**

The 2001 state code governing the Expanded Milwaukee Parental Choice Program is available from The Heartland Institute Web site at: **www.heartland.org/pdf/21846x.pdf**

The 2001 Rules and Regulations governing the program are available at: **www.heartland.org/pdf/21846w.pdf**.

Mikel Holt's book, *Not Yet "Free at Last": The Unfinished Business of the Civil Rights Movement* (ICS Press, 2000, 294 pages, paperback, $19.95), provides a compelling account of the hard-won battle for school choice in Milwaukee and the central role that Representative Polly Williams played in that struggle. The book is available through Amazon.com at **http://www.amazon.com/exec/obidos/ASIN/1558155104/theheartlandinst.**

Representative Polly Williams at the 2000 inauguration ceremony at the Wisconsin state capitol, with her grandson observing closely. *photo/Bret Nicastro*

was never a change that significantly impacted our children. For example, under the desegregation order, when there was a lot of pressure for the white children to also be bused, they came up with the idea of magnet schools.

The idea was if white children had to come into the black community, they should come to the best schools the black community had. So some of our schools were refurbished and remodeled as magnet schools. Then white children who were bused in were able to go to these nice air-conditioned schools with smaller class sizes and a better curriculum.

But only certain selected black children were able to attend the magnet schools. So we had these better schools right in the heart of our urban community, but the students that lived around these schools could not go to them. The students that needed the help the most were denied help, and they were the ones who were put on the buses and sent all over town.

That was the hypocrisy of desegregation: It was supposed to be for the best interest of *our* children, when in fact it wasn't. Yes, they put good schools in the inner city, but the inner-city children couldn't go to them.

CLOWES: *How did you get over the hurdle of working with Republicans?*

WILLIAMS: We called it the Unholy Alliance. The reality was that out of 99 people in the Assembly, I needed 50 votes to get the bill passed. I knew that my side of the aisle did not support the parental choice legislation. In fact, the Democratic Party, the teachers' union, and the liberal establishment did not support the parental choice legislation.

But my fight was for what was best for the low-income families and their children in the public schools. Several key Republicans, with their own agenda, saw merit in the Parental Choice legislation and with the support of conservative Democrats and Republicans, I was able to obtain the votes needed to pass the legislation in the Assembly.

It was a pilot program, like an experiment, just to see if it made a difference for our families. That's why we said that students who participated in the Parental Choice program had to be enrolled in the Milwaukee Public Schools and be from low-income families. That way, people could see we were trying to help parents with children in public schools that were not meeting their needs.

Also, the program was only for 1,500 students out of more than 100,000 in the Milwaukee Public Schools. This wasn't something large enough that would destroy the public school system.

CLOWES: *What's your view of the program after 12 years?*

WILLIAMS: The power of the Milwaukee Parental Choice Program is that it enables parents to exercise power and to make decisions about their children's education. I believe we have the best of all the choice initiatives around the country and I think our legislation should be the model for the nation. That's because the Milwaukee plan really empowers parents.

The families are happy and the parents are involved with their children's education. They wanted an alternative to the public schools so they chose one of the private schools located in our low-income communities. These are not exclusive private schools; they are community schools. Our program also focuses on the most needy students and we drafted the legislation so it would have sufficient funds to educate the children.

For example, the Cleveland program needs to be more fully funded. With a voucher worth only $2,250, what kind of school are you going to get? That's $2,250 to do everything—the school building, the maintenance, the education, the staffing, the supplies and so on. You can't do it for that.

Florida's program is based on failing schools but a failing school could be in a rich community. That means the voucher may go to rich families, which defeats the aim of helping low-income families. There are tax credits and other benefits for people with money. But a tax credit isn't much help to low-income families because they don't pay much in taxes. Once you make the program available to higher-income families, you defeat its purpose.

CLOWES: *That's why you're not in favor of universal choice?*

WILLIAMS: Right, because it would negatively impact low-income students. For example, in Milwaukee we have a limit of 15,000 students and I don't think we are going to be able to increase that. We have 10,000 students enrolled in the voucher program now. If we take the income guidelines off the program, I believe that the 5,000 slots would be taken up immediately. Eventually, low-income families would be weeded out due to the large volume of families wanting to participate.

CLOWES: *Do you have any problem with a for-profit school?*

> *"I believe we have the best of all the choice initiatives around the country and I think our legislation should be the model for the nation. That's because the Milwaukee plan really empowers parents."*

WILLIAMS: I'm opposed to for-profit schools. When a school is for-profit, I believe many of the needs of the students will not be addressed because you must limit services based on overhead. The public school system has a very high overhead. If $8,000 is allocated for students in the public schools, less than half actually goes to the education of children.

For-profit schools bring in their own staff with their own ideas, outsiders to the community, thus limiting parental input and taking away the control of educational dollars within the community.

Many for-profit schools, developed under the choice program, are cropping up now in many communities. It's white folks who live in the suburbs who are coming into our communities and opening up schools that are predominantly black.

CLOWES: *But if the children get educated, does it matter?*

WILLIAMS: Well, the Milwaukee Public Schools have mostly white teachers and the children there are not making the grade.

I'm not saying that white teachers can't teach, because all white teachers taught me. But the teachers back in the 1940s and 1950s were entirely different. For one thing, the teachers' union didn't have such a stranglehold, and teachers then were freer to help the students and do whatever they had to do to help the child. I believe teachers now can't always do what's best for the child.

CLOWES: *What are the prospects for getting parental choice legislation passed in other states?*

WILLIAMS: In Milwaukee, we put the legislation together ourselves. As I said, I think our legislation should be the model for the nation because it really does empower low-income parents.

The public schools are entrenched and parents need options to get out of that system, if it's not improving, or if it's not what their children need. The responsibility for educating the children ultimately lies with the parents, but parents need help and support to make the system do what's right. If the system has been unresponsive, then there needs to be an opt-out for low-income families. We need to help those families opt out if the system is refusing to help them with their child.

In states where you have a large percentage of African-American legislators, they are opposed to vouchers. But they tell me that they support the program I was able to get passed in Milwaukee. African-American legislators seem open to that kind of program, but they're not drafting the legislation for their states. White conservative Republicans are drafting legislation on this issue but the legislation is not getting the support of the African-American legislators.

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The Friedman Report

In the wake of the U.S. Supreme Court's June 27 decision—that the inclusion of religious schools in the Cleveland school voucher program is a legitimate exercise of state authority under the U.S. Constitution—the focus of the battle over school choice has returned once again to individual state legislatures across the country. State lawmakers now have the responsibility for deciding how the new meaning of public education will be translated into laws that affect the education of children in their communities.

This month's roundup attempts to summarize the political environment for school vouchers in many states across the country, recognizing politics is the most important factor affecting the likely approval of voucher legislation.

Voucher Issues

Issues, concerns, and opposition to vouchers, while they must be addressed, tend to be similar across states. Five are key:

How much?

In the 2001-02 school year, education in the U.S. public schools required revenues of approximately $8,500 per student, according to the U.S. Department of Education. Setting the value of the voucher less than that amount—say, 80 percent—would guarantee that for every public school student who takes a voucher, the result would be either savings to taxpayers or more money for each pupil remaining in the public schools.

Eligibility

School choice advocates believe vouchers should be available to all students or to only a limited set of students. Most legislation under consideration involves vouchers targeted to specific populations. This may be done by a simple process, such as limiting vouchers by family income, or by a more complex process, such as limiting vouchers to students at "failing" schools. An additional limitation would be to restrict vouchers only to students transferring from public schools, as the Milwaukee program does.

Constitutional restrictions?

Although many state constitutions have a clause that bars the appropriation of any public money in aid of a church or private or sectarian school, the U.S. Supreme Court's June 27 decision specifically rejected the argument that parents were simply "conduits" to send tax dollars to sectarian institutions. Thus, voucher programs like Cleveland's—that aid parents, not schools—apparently do not run afoul of such restrictions. Even in states where constitutions also bar "indirect" aid to sectarian institutions, vouchers are likely to pass legal scrutiny because the state loses its ability to direct public funds when parents can choose among a range of sectarian and non-sectarian providers.

Support?

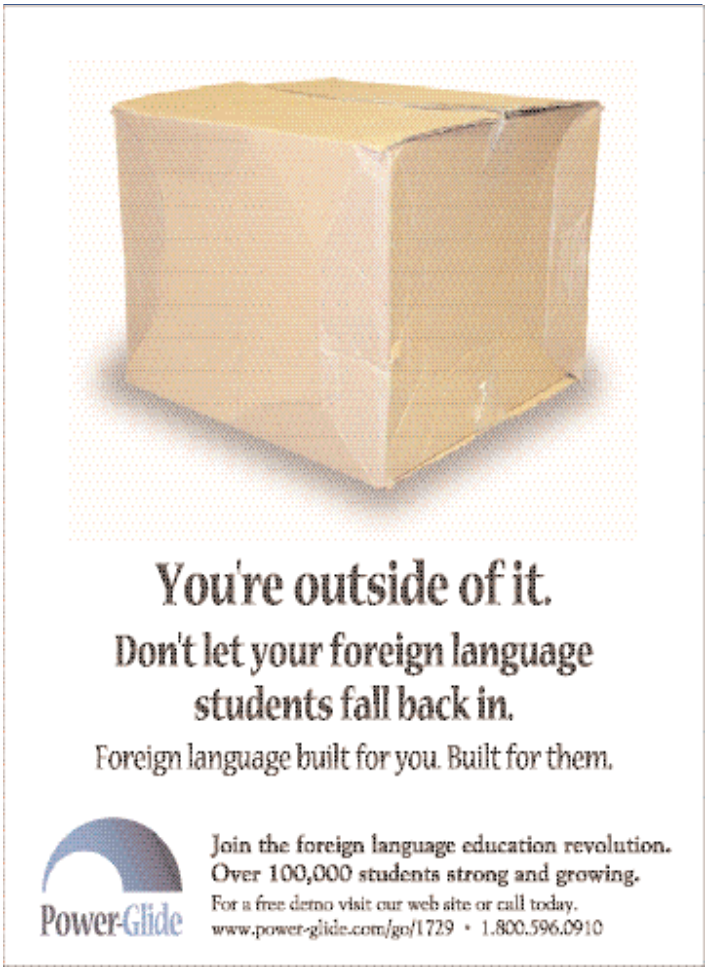
Whether voucher legislation is approved by the legislature and signed into law by the governor depends on the strength of grassroots support in each state, which party controls the state legislature, and the views of the governor. (See table opposite.) Opinion polls show a majority of parents and a supermajority of minorities support vouchers.

Opposition?

The strongest opposition to school vouchers comes, not surprisingly, from school superintendents and teacher union officials: those who have a financial interest in the perpetuation of the current education system.

The teacher unions are very active in the political process. Having lost in the Supreme Court, their voucher-opposition strategy is now likely to concentrate more heavily on ensuring the election of candidates who are either neutral or opposed to school vouchers.

Opposition to vouchers also comes from those who object to tax dollars finding their way into religious schools under any circumstances. Opposition from this quarter is unlikely to be as vigorous as that from the teacher unions. For one thing, consistency would require that those who oppose vouchers for this reason also call for the repeal of GI Bill vouchers, Pell Grants, and Preschool Child Care Block Grants—all of which may be used at religious institutions.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School Choice and Charter School Programs: 2001

Public School Choice Statewide (18)
Public School Choice Limited to Some or All Districts (19)
Medium to Strong Charter School Laws (22)
Weak Charter School Laws (16)
Cities with Publicly Sponsored Full School Choice (2)
States with Publicly Sponsored Full School Choice (3)
States with Education Tax Deductions or Credits (6)

Note: Information is current as of July 1, 2001. In Maine and Vermont, publicly sponsored full school choice is limited to non-religious private schools.

Sources: *School Choice 2001: What's Happening in the States*, edited by Robert E. Moffit, Jennifer J. Garrett, and Janice A. Smith. **http://www.heritage.org/schools/2001/graphics/sc2001mapa.gif**

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Governor Support of School Vouchers and Composition of State Legislatures, 2001-2002

Legislative House	Majority Senate	State	Governor	Position of Governor on School Choice
D	D	Alabama	Don Siegelman (D)	NNNN
R	R	Alaska	Tony Knowles (D)	CNNN
R	R	Arizona	Jane Dee Hull (R)	CNN -
D	D	Arkansas	Mike Huckabee (R)	CNNv
D	D	California	Gray Davis (D)	- - - N
R	D	Colorado	Bill Owens (R)	CPTV
D	D	Connecticut	John Rowland (R)	CPTV
R	D	Delaware	Ruth Ann Minner (D)	CNNN
R	R	Florida	Jeb Bush (R)	CPTV
D	D	Georgia	Roy Barnes (D)	CNNN
D	D	Hawaii	Ben Cayetano (D)	CPTN
R	R	Idaho	Dirk Kempthorne (R)	cptv
D	R	Illinois	George Ryan (R)	NNTN
D	R	Indiana	Frank O'Bannon (D)	CPTN
R	R	Iowa	Thomas Vilsack (D)	NNNN
R	R	Kansas	Bill Graves (R)	cpt -
D	R	Kentucky	Paul Patton (D)	- - - -
D	D	Louisiana	Mike Foster (R)	CPT -
D	Even	Maine	Angus King, Jr. (I)	cptV
D	D	Maryland	Parris Glendening (D)	NPNN
D	D	Massachusetts	Jane Swift (R)	CNN -
R	R	Michigan	John Engler (R)	CPTV
R	D	Minnesota	Jesse Ventura (I)	NNTN
D	D	Mississippi	Ronnie Musgrove (D)	- - - N
D	R	Missouri	Bob Holden (D)	NNNN
R	R	Montana	Judy Martz (R)	cptv
Unicameral, nonpartisan		Nebraska	Mike Johanns (R)	CPTV
D	R	Nevada	Kenny Guinn (R)	CPTV
R	R	New Hampshire	Jeanne Shaheen (D)	- - - N
D	R	New Jersey	James McGreevey(D)	- - - N
D	D	New Mexico	Gary Johnson (R)	CPTV
D	R	New York	George Pataki (R)	CNNv
D	D	North Carolina	Michael Easley (D)	- - - N
R	R	North Dakota	John Hoeven (R)	- - - N
R	R	Ohio	Robert Taft (R)	CPTV
D	D	Oklahoma	Frank Keating (R)	CPTV
R	R	Oregon	John Kitzhaber (D)	CNNN
R	R	Pennsylvania	Mark Schweiker (R)	CPTV
D	D	Rhode Island	Lincoln Almond (R)	CPTV
R	R	South Carolina	Jim Hodges (D)	NNNN
R	R	South Dakota	William Janklow (R)	CNN -
D	D	Tennessee	Don Sundquist (R)	CNN -
D	R	Texas	Rick Perry (R)	CPTV
R	R	Utah	Michael Leavitt (R)	CPTN
R	D	Vermont	Howard Dean (D)	NPNN
R	R	Virginia	Mark Warner (D)	CNNN
D	D	Washington	Gary Locke (D)	CNNN
D	D	West Virginia	Bob Wise (D)	NNNN
R	D	Wisconsin	Scott McCallum (R)	CPTV
R	R	Wyoming	Jim Geringer (R)	CPT -
City Council-D		Dist. of Columbia	Mayor A. Williams (D)	NPNN

Footnotes: 1. Four aspects of gubernatorial support for school choice are identified: C (pro-charter schools), P (pro-public school choice), T (pro-tax credit), and V (pro-voucher); a lower case letter (cptv) indicates possible, qualified, limited, or skeptical support. N signals no support and - signals no position has been taken.
Source: School Choice 2001: What's Happening in the States, edited by Robert E. Moffit, Jennifer J. Garrett, and Janice A. Smith. **http://www.heritage.org/schools/2001/graphics/sc2001tab3,** with updates provided by Jennifer Garrett.

ALABAMA

Gubernatorial Candidates Spar Over Vouchers

John Giles, president of the Christian Coalition of Alabama, believes the U.S. Supreme Court's ruling on the Cleveland voucher program "opens up the gateway" for meaningful school choice legislation to be introduced next year. But the gubernatorial candidates in the November 5 general election differ significantly in their views on vouchers.

Alabama's current governor, Democrat Don Siegelman, opposes vouchers. His Republican opponent, U.S. Congressman Bob Riley, thinks they provide an option for improving public education.

"I also believe that healthy competition forces schools to improve and excel, which results in a better education for Alabama's schoolchildren," Riley told AP reporter Bob Johnson.

State Senator Bill Armistead, GOP candidate for lieutenant governor, introduced a voucher bill in the most recent legislative session to permit parents to transfer their children from a failing public school to another public school or to a private school. Armistead's opponent, State Treasurer Lucy Baxley, disagrees with Armistead's approach, saying the state's emphasis shouldn't be on vouchers but on improving public education.

Anniston Star (Alabama)
June 28, 2002

ALASKA

Voucher Action Unlikely Until Next Year

With gubernatorial candidates on opposite sides of the issue, any action on vouchers in Alaska will likely be put off until a new administration takes office next year.

The GOP nominee, U.S. Senator Frank Murkowski, hailed the U.S. Supreme Court's June 27 voucher ruling, saying it would "open the way to better education for children." His Democratic opponent, lieutenant governor Fran Ulmer, questioned how the state's "stressed" school funding could support both public and private schools.

"I feel public resources should support public schools and private resources should fund private schools," she told *Fairbanks Daily News*.

Alaska has expanded parental choices during the past decade by changing state law to allow charter schools and by expanding curriculum options for correspondence study students to include religious materials. However, a Governor's Commission on School Choice concluded the state's constitution did not allow vouchers.

Fairbanks Daily News
June 28, 2002

ARIZONA

Vouchers Require Leadership

Although Arizona is top-rated on the Manhattan Institute's scale of educational freedom, that doesn't mean lawmakers have the stomach for the tough battle required to add school vouchers to the Grand Canyon State's array of educational options, according to the editors of the *Arizona Republic*.

The last time vouchers came close to being approved was in the mid-1990s, when a $1,500 voucher for low-income families was pushed by then-governor Fife Symington and then-Superintendent of Public Instruction Lisa Graham Keegan.

Almost all Democratic candidates for governor and education superintendent are strongly opposed to vouchers. On the GOP side, all gubernatorial candidates are strongly pro-voucher, but only one candidate in the superintendent race—Jaime Molera—is a strong school choice advocate. Molera favors vouchers for low-income students and for those attending low-performing schools. His strong advocacy of vouchers cost him the endorsement of the teacher union.

Secretary of State Betsey Bayless has released a voucher proposal modeled on Florida's statewide A+ Program, where students in persistently failing schools are eligible for vouchers. However, rather than tackle a difficult legislative battle over vouchers, some social conservatives are shifting their attention to expanding the existing tuition tax credit program.

The Arizona Republic
July 3, 2002

CALIFORNIA

Haynes Crafts Voucher Bill

State Senator Ray Haynes (R-Riverside) had a shell bill—Senate Bill 177—ready in anticipation of a favorable U.S. Supreme Court voucher decision. On June 27, he and his staff drafted a school choice plan that would give parents access to about half of the approximately $8,000 per-pupil tax dollars California allocates to public education. Any parent could use the $4,000 for or towards a child's tuition at a private school.

"The districts lose a whole kid, but they keep half the money," Haynes told the *San Francisco Chronicle*,

THE FRIEDMAN REPORT *continued through page 17*

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emphasizing the plus side of his proposal.

"It would break the bank," said California Alliance for Public Schools spokesperson Kevin Gordon, emphasizing the minus side of Haynes' proposal. The 650,000 students already in private schools would be eligible for the voucher, costing the state some $2.6 billion.

With Haynes' bill unlikely to advance far in the Democrat-controlled legislature, Pacific Research Institute Education Director Lance Izumi suggested other possibilities: a pilot program in an individual district, targeting children in low-income families, or targeting students in failing public schools.

San Francisco Chronicle
June 28, 2002

COLORADO

Voucher Progress Hangs on One Vote

Efforts will be made over the summer to seek support for a pilot voucher program and another tax credit bill, according to Colorado State Representative Nancy Spence (R-Centennial), whose school tuition tax credit bill was killed earlier this year by Democrats in the Senate, where they hold a one-vote majority.

"We've got the legal clarification we need—the next thing we will wait for is a Republican Senate," Spence told *The Denver Post*. Democrats also recognize they need to keep their majority in this fall's elections to stop Republican voucher legislation, according to Senator Ron Tupa (D-Boulder).

A Republican Senate wouldn't be quite so critical if some legislators switched sides on the voucher issue. Sue O'Brien, editorial page editor of the *Denver Post*, did so in a July 7 column explaining why she "finally abandoned the anti-voucher orthodoxy of many liberals." When she was growing up, she recounts, "I didn't need a voucher" because her parents could afford private schools when the public schools appeared inadequate.

O'Brien likes the Cleveland program because it is means-tested. "Only disadvantaged families can get public help to change their children's schools," she writes. "These are the folks who've been left out—left stuck in failing schools with no choices and no remedies. To them, I'm delighted to extend a helping hand."

Denver Post
June 28, 2002 and July 7, 2002

CONNECTICUT

Constitution State Not Ready for Vouchers

The Supreme Court may have upheld the constitutionality of school vouchers, but the Constitution State isn't likely to see them soon, according to state Senator Win Smith Jr. (R-Milford), a long-time voucher advocate.

Despite GOP Governor John G. Rowland's championship of vouchers, Smith said there's no "wide sweep of support" for them, either among legislators or the general public. Even if there were, they likely wouldn't be considered until the state has fixed its budget crisis, which is Rowland's current focus.

"I don't think the Connecticut body politic is ready for [school vouchers] yet," Smith told the *Middletown Press*. "To have a new initiative like this, you need fairly broad support."

Although voucher opponents object to public funds finding their way to religious schools, Quinnipiac Law School professor Stephen G. Gilles said this is done "all the time" in other areas. For example, Gilles said millions of federal tax dollars for Medicaid and Medicare are routinely paid to hospitals run by religious organizations, and federal tax dollars pay for higher education at religious colleges and universities under the GI Bill.

Middletown Press
July 2, 2002

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FLORIDA

Cleveland Voucher Objections Recycled in Florida

In their recent argument before the U.S. Supreme Court, school choice opponents contended the decisions of parents in the Cleveland voucher program were "inconsequential," and that parents were simply "conduits" for public money to flow directly from the state of Ohio to religious schools in Cleveland.

Although that argument didn't impress the U.S. Supreme Court, it was recycled by the state teacher union and the American Civil Liberties Union in their attack on the Florida Opportunity Scholarship Program in a Tallahassee courtroom on July 9, 2002.

Florida's constitution provides that "no revenue of the state ... shall ever be taken from the public treasury directly or indirectly in aid of any church ... or in aid of any sectarian institution." Voucher opponents argued this makes the Opportunity Scholarships unconstitutional even though, as in Cleveland, the funds don't go to an institution but to a parent who makes an independent choice about where to spend the money.

The state's lawyers, along with attorneys from the Institute for Justice, argued the scholarships were designed to aid education, not religious schools, and that excluding religious schools would violate the government's required neutrality towards religion. Attorney Barry Richard, presenting the state's case, pointed out that other state programs—such as college financial aid—would be invalidated if the arguments of the opponents were upheld.

Circuit Court Judge Kevin Davey ruled against the program on August 5. (See "Judge Strikes Down Florida Voucher Law," page 18.)

St. Petersburg Times - July 10, 2002
Institute for Justice - July 15, 2002

Privatization Tabled after Union Protest

Instead of privatizing maintenance at its 27 schools and letting the market determine how inexpensively the work could be done, the Miami-Dade County School Board voted on July 10 just to privatize the management of the district's maintenance division and to continue staffing the operation with about 1,133 unionized public employees.

In May, the Board tabled the proposal of an oversight board to privatize maintenance after union protesters shut down a school board meeting for 20 minutes.

A series of internal and state audits of the maintenance division had reported the loss of millions of dollars to waste and inefficiency. The district is severely overcrowded, and the wasted capital funds could have been used to build new schools. The division's three labor unions claim high maintenance costs are the fault of management, not workers.

The unions have filed a lawsuit to free up $85 million in frozen district funds that require the recommendation of the oversight board before they can be released to the district.

Miami Herald
July 11, 2002

GEORGIA

Peach State Not Ready for Vouchers

Georgia's Democratic Governor, Roy Barnes, opposes vouchers and, judging from comments made by his three Republican challengers, vouchers aren't likely to be available soon to parents in the Peach State even if a Republican is elected governor. The most ambitious proposal from the three candidates is a pilot program offered by the strongest voucher supporter, former Cobb County Commission Chairman Bill Byrne.

"I don't think Georgia is ready for the voucher system," Byrne told the *Atlanta Journal-Constitution*.

Another GOP gubernatorial hopeful, former State Senator Sonny Perdue, refused to say whether, if he were elected, he would sign a Republican voucher bill if it passed the legislature. The third GOP candidate, state school superintendent Linda Schrenko, has supported and opposed voucher plans in the past but most recently sounded a theme more often heard from voucher opponents.

"I don't think you have to pay for the private schools with public money," she told the *Atlanta Journal-Constitution*.

Atlanta Journal-Constitution
July 5, 2002

HAWAII

Dissatisfied Parents Would Welcome Vouchers

Dissatisfaction with Hawaii's public schools is so widespread that even politicians criticize the current system. Test scores are consistently low and the state already has one of the highest private school enrollment rates in the country—more than 15 percent.

Although public school supporters maintain vouchers would be difficult to sell to voters and lawmakers, educators like Sacred Hearts Academy Vice Principal Remee Bolante think vouchers would have "a big impact" with so many parents disenchanted with the public schools.

"If they're given a choice, I think parents would flock to the private schools," Bolante told the *Honolulu Advertiser*.

But the earliest parents could get that choice would be 2005, according to State Representative Ken Ito (D-Kane'ohe). Voters first would have to repeal the state constitution's prohibition on public money going to private schools, and then legislators would have to pass a voucher program and the governor would have to sign it. The earliest the

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first step could take place is in the 2004 general election, and the earliest the legislature could act would be in the 2005 legislative session.

Honolulu Advertiser
June 28, 2002

ILLINOIS

Voucher Plans Revived in Illinois

The U.S. Supreme Court's June 27 decision to uphold the Cleveland school voucher program has revived interest in pushing for school vouchers in Illinois, where earlier attempts have failed to clear the legislature.

In recent years, vouchers have taken a back seat to tax credit proposals, which have met with some success. A $500 tuition tax credit plan approved in 1999 was used by 165,900 families last year—2.9 percent of resident tax filers.

Zach Wichmann, associate director of education for the Catholic Conference of Illinois, said the Cleveland decision brought voucher plans to the fore again, prompting a meeting with officials from other religious organizations. Those organizations included the Lutheran Church-Missouri Synod, the Association of Christian Schools, and Agudath Israel of America, an Orthodox Jewish organization.

"We have some planning to do," Wichmann told the *Chicago Tribune*. "We need to design a voucher program that has a chance of passing through the General Assembly."

Before bills can pass the General Assembly, they must be introduced, and Senator Dan Cronin (R-Elmhurst), the sponsor of a 1995 voucher bill, told the *Tribune* he didn't plan to introduce a voucher bill in the upcoming session. Vouchers were "a tough sell," he said.

Chicago Tribune
June 28, 2002

INDIANA

Ruling Invigorates Voucher Proponents

Indiana House Education Committee Chairman Greg Porter (D-Indianapolis) predicted school vouchers would be "a hot-button issue" in the next session of the Indiana legislature, following the recent U.S. Supreme Court ruling on Cleveland's school choice program. While voucher opponents deplored the decision, school choice supporters were invigorated by it. They would like to see a voucher program in Indiana, as would many parents.

"We will push harder for vouchers now, there's no question about that," educator Joseph Peters told *The Indianapolis Star*. Peters is associate director of education for the Roman Catholic Archdiocese of Indianapolis.

Voucher legislation has never cleared the Indiana legislature. A 2001 school choice bill sponsored by State Senator Luke Kenley (R-Noblesville) died in committee. It was the failure of the legislature to pass a school voucher measure a decade ago that prompted local business leader J. Patrick Rooney to create the Educational Choice Charitable Trust, which now provides privately funded vouchers to about 2,000 children from low-income families in Indianapolis.

Indianapolis Star
June 28, 2002

KANSAS

More Debate Expected, But Not Vouchers

The Supreme Court's recent school choice ruling will generate more debate and discussion on school vouchers next year, but that isn't likely to persuade Kansas lawmakers to pass a voucher law, House Speaker Kent Glasscock (R-Manhattan) told *The Topeka Capital-Journal*. That's because House members are reluctant to fund a new education program when the state already is having trouble funding public schools.

"Frankly, I think [school voucher bills] won't have a good chance of passing unless there is a major change in the House," Glasscock told the *Capital-Journal*.

State Senator Kay O'Connor (R-Olathe), a long-time voucher advocate, introduced a bill this year to establish a school voucher program in Kansas, but it died in committee. Although she said she planned to introduce additional voucher legislation as a result of the court decision, she was under no misapprehension as to the difficulty of getting a bill passed.

"The opposition is still very, very formidable," she told the *Kansas City Star*.

Topeka Capital-Journal - June 27, 2002
Kansas City Star - June 28, 2002

KENTUCKY

Teacher Union Is Main Bar to Vouchers

Even though the Kentucky state constitution prohibits the use of any public funds or taxes "in aid of" any church, sectarian, or denominational school, that prohibition may not be as big a bar as the state teacher union to getting voucher legislation approved in the Blue Grass State.

The Kentucky Education Association "wields enormous power" in the state capitol, according to Linda B. Blackford, education writer for the *Lexington Herald-Leader*. The KEA was "a major force" in defeating two tuition tax credit bills introduced in 1998 and 2000.

Nevertheless, State Representative Bob Heleringer (R-Louisville), who sponsored the two bills, thinks the Supreme Court ruling has put new momentum into the school choice movement and could generate new legislation. A tax credit bill could be introduced as early as next January and garner more support, according to House Majority Leader Greg Stumbo.

"I think the opinion of the Supreme Court has started widespread interest, and I think this issue is going to resonate," Heleringer told the *Herald-Leader*.

Lexington Herald-Leader
July 17, 2002

LOUISIANA

Louisiana Already Has Model Voucher Program

The Pelican State is a step ahead of other states in being ready to implement a voucher program based on the Cleveland scholarship program recently upheld by the U.S. Supreme Court. That's because Louisiana launched a $3 million pilot school voucher program for preschoolers in New Orleans last year, using federal welfare money.

The program, created at the urging of Louisiana Catholic Conference lobbyist Kirby Ducote, gives qualified parents up to $4,700 a year to send their children to approved private preschool programs, including programs in religious institutions. A state-subsidized public school pre-kindergarten program was subsequently made available for parents who wanted a public school alternative.

Now may be the time to propose an expansion of the preschool program into grades K-12, suggested Representative Peppi Bruneau (R-New Orleans), who has introduced voucher legislation in the past, to no avail. Senate President John Hainkel (R-New Orleans) agreed, favoring a pilot expansion program in Orleans Parish as a first step.

"It has become readily apparent that our public school system has failed," Hainkel told the *Times-Picayune*. "This city is suicidal if we can't have a competitive effort."

Times-Picayune
June 28, 2002

MAINE

Voucher Bill Planned for Next Year

Many small towns in the Pine Tree State don't have public schools and operate a "tuitioning" program to send local children to public and private schools. Since 1981, religious schools have been ineligible to participate in the program because of a state law forbidding the use of public funds to pay tuition at religious schools.

In response to the U.S. Supreme Court's recent ruling that religious schools may be included in a parental choice program, Maine Attorney General Steven Rowe ruled education officials should continue to consider religious schools ineligible for participation "until the Legislature or the courts mandate otherwise."

Republican State Representative Kevin Glynn, who has sponsored voucher and tax credit bills in the past, plans to introduce legislation to effect that change. Glynn is working with other legislators, educators, parents, and members of the Maine School Choice Coalition to draft "one quality piece of legislation" for the legislative session that begins next January.

"[The Supreme Court ruling] opened up a lot of avenues and opportunities for parents," Glynn told the *Bangor Daily News*.

Bangor Daily News
July 17, 2002

MARYLAND

Demand for Vouchers Is High, But No Supply Yet

Although Maryland voters have twice rejected the idea of aiding parochial schools, *Baltimore Sun* education writer Mike Bowler points out a slight majority of Americans favor vouchers, and two out of three African-Americans favor them. Bowler suggests it wouldn't take many legislators from Baltimore, Prince George's County, and Montgomery County to get vouchers to the top of the legislature's agenda.

That effort will be helped by the opening earlier this year of a Maryland branch of the pro-voucher Black Alliance for Educational Options (BAEO).

"There's a lot of work to do," BAEO spokesman Boyce W. Slayman told Bowler. "We think we have a good shot in places like Baltimore, where people are fed up with public education."

There's certainly plenty of demand for vouchers in Baltimore. When the Children's Scholarship Fund (CSF) offered 400 scholarships to low-income students a few years ago, 20,000 students applied.

"We found huge and surprising demand in Baltimore," said CSF national program director Rick Hough.

Baltimore Sun
July 3, 2002

MASSACHUSETTS

Gubernatorial Candidates Cool on Vouchers

The recent U.S. Supreme Court ruling may have provided clarity on the constitutionality of school vouchers, but none of Massachusetts' six gubernatorial candidates is taking a leadership role on the issue. In fact, even one-time voucher advocates on both sides of the aisle have backed away from actively supporting them in the upcoming election.

In his 1994 race against U.S. Senator Edward M. Kennedy, Republican Mitt Romney was a voucher advocate. But in the current race for governor his position has shifted: He supports vouchers philosophically, but rejects them as a component of his education plan for the Bay State. In Romney's view, the state's charter schools have pretty much provided the choice vouchers would have created.

"He's not opposed to vouchers, but he doesn't view it as a critical piece to repairing our public schools," Romney campaign spokesperson Eric Fehrnstrom told the *Boston Globe*.

None of the five Democratic candidates running in the September gubernatorial primary support vouchers, although one of them—Robert Reich—two years ago advocated a "progressive" voucher that would get larger as family income went down. He now opposes giving parents public funds to choose a private school.

Boston Globe
June 28-29, 2002

MICHIGAN

Legislator: Grassroots Must Demand Change

While school choice supporters in Michigan hailed the U.S. Supreme Court's June 27 ruling on vouchers, State Representative Wayne Kuipers (R-Holland) offered a realistic assessment of what needs to happen before parental choice legislation is likely to gain approval in the Wolverine State.

Kuipers, who is chairman of the House Education Committee, said the demand for change must come from the grassroots in a continuation of the civil rights struggle.

"If you remember back to the '50s and '60s, the fight was getting people access to schools," Kuipers told the *Detroit News*. "That happened," he continued. "Now, those same populations have to say, 'You let us in. You're not teaching us anything. You have to make it work.'"

Kuipers said he has no plans to introduce voucher legislation, a statement likely to disappoint voucher advocates like Choices for Children Chairwoman Betsy DeVos and Detroit

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Archbishop Adam Maida. However, Joseph Lehman, executive vice president of the Mackinac Center for Public Policy, said vouchers face too many political barriers in Michigan and suggested an alternative school choice effort involving tuition tax credits for parents and businesses.

Detroit News
June 28, 2002

MINNESOTA

Business Group Promotes Voucher Plan

School choice advocates in Minnesota are planning to push for vouchers in the state legislature despite acknowledging the odds of passage are low.

A voucher proposal sponsored by State Representative Tony Kielkucki (R-Lester Prairie) only got as far as a hearing earlier this year, but Kielkucki is excited about the prospects for legislation now that the U.S. Supreme Court has disposed of constitutional objections.

Kielkucki worked with the Minnesota Business Partnership in developing a voucher plan for students who qualify for the federal free and reduced-price lunch program. If those students attended a persistently low-performing public school, they would be eligible for a voucher worth up to $5,950 to enroll in a nonpublic school.

A 1996 voucher plan promoted by former Governor Arne Carlson was rejected by the legislature, but Carlson came back with an alternative plan for education tax credits and refundable deductions that did win passage. Kielkucki is considering an effort to expand that program further.

Both vouchers and expanded tax credits are needed, according to Morgan Brown, senior fellow for education policy at the Center of the American Experiment. In spite of opposition from the state teacher union, eventually "you'll see vouchers," Brown told the *Minneapolis Star-Tribune*.

Minneapolis Star-Tribune
June 28-29, 2002

MISSOURI

Court Decision Boosts Voucher Efforts

Missouri school choice advocates gathered in Kansas City and St. Louis on June 27 to celebrate the boost the U.S. Supreme Court's Cleveland voucher decision had given to their efforts. Mae Duggan, whose Citizens for Educational Freedom organization has been fighting for vouchers since 1959, hailed the decision at a rally in St. Louis as "the new birth of freedom in America" and predicted a growing demand for vouchers.

At a news conference in Kansas City, Betty Conley-Denton, who heads the Kansas City chapter of the Black Alliance for Educational Options, said publicly funded vouchers would not only help children but also improve urban education and the city. Vouchers, she declared, "are leveling the playing field for all."

Kansas City Star - June 28, 2002
St. Louis Post-Dispatch - June 28, 2002

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NEW JERSEY

Schundler Renews Call for Vouchers

School vouchers have never gained traction in the New Jersey legislature, and even if lawmakers approved a voucher bill now, Democratic Governor James E. McGreevey would veto the measure.

Nevertheless, bolstered by the U.S. Supreme Court's June 27 ruling, former Jersey City Mayor Bret Schundler again took up his advocacy of a voucher program. Schundler lost the gubernatorial contest to McGreevey last fall.

Schundler's proposal would offer $8,000 vouchers to students in 30 largely urban, poor school districts known as the Abbott districts. In Newark and in Jersey City, spending already has reached $16,000 per pupil annually, noted Schundler, yet fewer than half of public school ninth graders go on to graduate from high school.

Philadelphia Inquirer
June 28, 2002

NEW MEXICO

Democratic Majority Stymies Voucher Efforts

For six years, Governor Gary Johnson and other Republican legislators have tried to get a voucher plan approved for New Mexico, but their efforts have always been stymied by the Democrats who dominate the state legislature. The U.S. Supreme Court decision didn't change that Democratic majority and the general election in November isn't likely to change it, either, although it will bring a new governor.

Republican gubernatorial candidate John Sanchez, a House member from Albuquerque who sponsored Johnson's latest voucher plan, supports school vouchers. The Democratic gubernatorial candidate, former Energy Secretary Bill Richardson, opposes them.

"School choice is not the 'silver bullet' of education reform," Sanchez told the *New Mexican*, "but it is one way to give parents and children more and better opportunities to pursue a quality education."

House Minority Leader Tedd Hobbs (R-Albuquerque) plans to continue supporting school choice, but he offered a realistic assessment of why New Mexicans shouldn't expect to see vouchers soon.

"I'm pessimistic about [school choice] getting through as long as we have a Democratic majority that's been fighting it constantly," he told the *Albuquerque Journal*.

Albuquerque Journal - June 28, 2002
New Mexican - June 28, 2002

NEW YORK

Vouchers Nixed for City, Unlikely for State

The U.S. Supreme Court decision upholding the constitutionality of school vouchers was handed down just a few days before New York Mayor Michael Bloomberg was scheduled to take over the city's schools on July 1. Bloomberg quickly rejected the idea of sharing some of his new power over the spending of billions of education dollars with the parents of the district's 1,100,000 students.

"I'm not going to get involved in the voucher thing for the moment," he declared to the *Daily News*.

The Supreme Court decision also isn't likely to bring vouchers any time soon to parents living outside of New York City, since Democrats control the New York Assembly. Vouchers are at least a few years away, according to State Senator Dale Volker (R-Depew), a voucher supporter.

"[W]ith the present makeup of the State Legislature, I just don't see it happening," Volker told the *Buffalo News*.

Buffalo News - June 28, 2002
New York Daily News - June 29, 2002

NORTH CAROLINA

Vouchers Will Require More than Court Ruling

The U.S. Supreme Court ruling on vouchers will generate more debate over vouchers in North Carolina, but the passage of a voucher bill will require a change in the makeup of the state legislature, according to Vernon Robinson, a school choice advocate who runs a privately funded scholarship program in Winston-Salem. He sees the school choice battle as "the civil rights issue of the twenty-first century."

"Not only will the GOP have to take control of both the House and the Senate, but certain GOP incumbents will have to be replaced before you see enough support for vouchers," Robinson told the *News & Observer*.

Raleigh News & Observer
June 28, 2002

OHIO

Higher Voucher, More Grades Proposed for Cleveland

Ohio lawmakers have been reluctant to tamper with the Cleveland Scholarship and Tutoring Program while it was under litigation, but now that the U.S. Supreme Court has upheld the initiative, legislative leaders are proposing changes to improve the program.

State Representative Jamie Callender (R-Willowick), chairman of the House Education Committee, wants the value of the voucher tied to the state's annual guaranteed subsidy for all public school students, as is done for charter schools. The current subsidy is $4,814, more than double the maximum voucher amount of $2,250. Callender also wants the K-8 program to be expanded to cover all 12 grades, a view shared by Ohio House Speaker Larry Householder (R-Perry County).

"It's silly for us to say you can only have an opportunity until the eighth grade, and then we basically force them to go back to an environment that didn't work," Householder told the *Plain Dealer*.

However, other Republicans, like Governor Bob Taft and State Senator Robert Gardner (R-Madison), who chairs the Senate Education Committee, want to see more data-based evidence that the six-year-old program works before expanding it to families in other low-performing districts.

Plain Dealer
June 28, 2002

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OREGON

Gubernatorial Candidates Oppose Vouchers

Oregon State Senator Charles Starr (R-Hillsboro), chairman of the Senate Education Committee, wants to introduce voucher legislation next year, but his plan faces many hurdles.

First, he has to win re-election; second, he has to get the legislature to approve his bill; and third, he has to get the governor's signature on the bill. That last step may be his biggest hurdle because neither of the two principal gubernatorial candidates—Democrat Ted Kulongoski and Republican Kevin Mannix—supports vouchers.

"I will certainly be looking at legislation from other places and offering something that might help students now trapped in nonperforming schools," Starr told the *Oregonian*. Starr and State Representative John Schoon (R-Rickreall) introduced a voucher bill for 25,000 students in 1995, but the measure died without getting to a vote.

Starr's plan also would face opposition from the state teacher union. Courtney Vanderstek, assistant executive director of the Oregon Education Association, told the *Oregonian* that all of the union's resources would be used to fight aggressively against any voucher legislation.

Oregonian
June 28, 2002

PENNSYLVANIA

Vouchers Might Become More Iffy Next Year

"Our base is energized from the Supreme Court ruling," voucher advocate Dennis Giorno told the *Scranton Times*. Giorno, executive director of the REACH Alliance, a pro-voucher grassroots group, added that another voucher proposal would most likely be seen this fall. In fact, the remaining few months of the year might offer the best chance for voucher legislation for the next few years.

The experience of the Keystone State illustrates the difficulties of getting voucher legislation signed into law. Republicans controlled both legislative chambers and the governor's mansion in the latter half of the 1990s, yet tireless advocacy by Tom Ridge could not get voucher legislation passed when he was governor. Ridge finally settled for a limited number of private school scholarships funded by a corporate tax credit.

The prospects for vouchers in Pennsylvania are likely to be even less favorable next year, since the front-runner in the race for governor is opposed to vouchers.

While current Governor Mark Schweiker favors vouchers, he leaves office in January. Republican gubernatorial candidate Mike Fisher favors vouchers, but Democratic hopeful Ed Rendell opposes them.

Scranton Times
July 8, 2002

RHODE ISLAND

Vouchers Unlikely Any Time Soon

Opposition to vouchers runs "very deep" in Rhode Island, according to Bruce Daigle, program director of the Diocese of Providence's Catholic School Office. While pleased with the U.S. Supreme Court's voucher ruling, Daigle said it would take some time to overcome opposition, particularly given the power and influence of the teacher unions.

"[W]e have to change attitudes," he told the *Providence Journal*. "We have to get people—and legislators in particular—to understand that educating children is more important than supporting the public school monopoly."

Providence Journal
June 28, 2002

SOUTH CAROLINA

Gubernatorial Candidates Differ on Vouchers

With concerns over the constitutionality of school vouchers now removed by the recent Supreme Court ruling, school choice supporters in South Carolina should press their case harder when lawmakers meet again in January, say the chairmen of both House and Senate education committees, Representative Ronny Townsend (R-Anderson) and Senator Warren Giese (R-Richland).

Voucher legislation in the past has "hit a stone wall" in the legislature, Giese told *The State*.

Governor Jim Hodges, a Democrat, opposes vouchers. His Republican challenger, Mark Sanford, supports them. Sanford has proposed a Florida-style program that would permit children in failing schools to use $3,500 "passports" to transfer to secular or religious private schools or to other public schools. An additional program would allow special-needs children to transfer to private schools.

The State - June 28, 2002
Charlotte Observer - June 28, 2002

TENNESSEE

Don't Call for Vouchers Just Yet

A day after the U.S. Supreme Court upheld school vouchers in Cleveland, families in Tennessee already were calling the state department of education to ask how they could sign up for vouchers in the Volunteer State.

A more pertinent question might have been to ask "When?" While the Supreme Court gave a green light to the creation of school choice plans, the Court didn't give a red light to opponents of school choice.

"The decision didn't say the teachers unions can't lobby the legislature," Jim Guthrie told the *Tennessean*. Guthrie is director of the Peabody Center for Education Policy at Vanderbilt University.

An official with the Tennessee Education Association (TEA) made it clear the union would mount a vigorous fight against vouchers. "If such a proposal is introduced at the state level, we will fight it with every resource available," declared Jerry Winters, director of government relations for the TEA.

Tennessean
June 29, 2002

TEXAS

Democrat Proposes Pilot Plan

Saying "people are going to start demanding" more options, Texas State Representative Ron Wilson (D-Houston) said he plans to introduce legislation for a pilot voucher program next year, if re-elected. The current House Speaker, Democrat Pete Laney, is a strong opponent of vouchers, while Rep. Tom Craddick (R-Midland), who hopes to unseat Laney, favors them.

Republican Governor Rick Perry supports the right of parents to have a choice in their child's education; his challenger, Democrat Tony Sanchez, emphatically opposes school vouchers and said he would veto voucher bills that were sent to him for signature, if elected governor.

In the lieutenant governor's race, where the winner will lead the Texas Senate, Democrat John Sharp opposes vouchers and Republican David Dewhurst supports choice in education "to help poor kids trapped in failing inner-city schools." However, Dewhurst told the *San Antonio Express-News* he doesn't support a "carte blanche system of vouchers."

San Antonio Express-News

DISTRICT OF COLUMBIA

D.C. Delegate Supports "Choices," Not "Choice"

"I strongly believe in choices and alternatives to the public schools," declared D.C. Delegate Eleanor Holmes Norton in a recent House debate on school vouchers. At the same time, she made clear she opposes the sort of choice a publicly funded voucher would provide to parents in the nation's capital through a program proposed by House Majority Leader Dick Armey (R-Texas) and Senator Judd Gregg (R-New Hampshire).

The Armey-Gregg bill would provide vouchers worth up to $5,000 to at least 8,300 D.C. students from low-income families. Vouchers could be used at both secular and religious private schools. Similar legislation was approved by Congress in 1998, but it was subsequently vetoed by then-President Bill Clinton.

"Needy children in the District and across the country have waited long enough," declared Armey.

Even with the help of a generous social promotion policy, only 50 percent of ninth graders in the District of Columbia's public schools are expected to graduate. Average SAT scores in the system are 822, compared to a national average of 1020. A 1996 study concluded the longer a child stays in the city's public schools, the worse off the child is academically.

The Washington Times
July 14, 2002

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BLAINE continued from page 1

Jay Sekulow, chief counsel for the American Center for Law and Justice, which represented the successful plaintiff, called the ruling "a resounding victory for equal treatment of people of faith."

However, the 2-1 decision may not be the last word. It can be appealed to the full Circuit Court bench, and ultimately to the U.S. Supreme Court. Nevertheless, this first post-*Zelman* ruling indicates the possibility that Blaine's heritage of bigotry may be dying.

"Opponents of publicly funded school choice frequently cite a constitutional prohibition against the use of public funds at religious institutions. The U.S. Constitution, however, contains no such prohibition."

Blaine Amendment History

One of the most shameful episodes in United States history has been the inclusion in many state constitutions of what are termed "Blaine amendments," which prohibit public funding of religious schools. These amendments were said to be necessary to apply the "separation of church and state" doctrine to state constitutions, but their true motivation was far less noble. Blaine amendments in fact were the result of widespread anti-Catholic bigotry in the 1800s.

Since the U.S. Supreme Court decided on June 27 that the federal Establishment Clause is not violated by the participation of religious schools in school choice programs, an important new question has surfaced: Do Blaine-type provisions in state constitutions violate the U.S. Constitution's requirement of neutrality toward religion?

Opponents of publicly funded school choice frequently cite a constitutional prohibition against the use of public funds at religious institutions. The U.S. Constitution, however, contains no such prohibition. The name "Blaine amendment" comes from the unsuccessful efforts in the mid-1870s of Congressman James Blaine to amend the U.S. Constitution to prohibit public funding for nonpublic religious schools.

Blaine's efforts, supported by President Ulysses S. Grant, grew out of anti-Catholic bigotry that began during the growing Catholic immigration of the 1840s. Earlier Catholic immigration had been relatively minor.

Although Blaine's effort to amend the U.S. Constitution failed, Congress subsequently required such provisions as a condition of statehood, adding coercion to bigotry. Many territories became states with Blaine amendments in their constitutions. The term "Blaine amendment" is now generally applied to all such amendments, whenever adopted, because they are similar in wording and purpose. Most have their origin in anti-Catholicism.

Beginning with New Jersey in 1844, 20 states had adopted such restrictions by 1897. From 1848 until 1869, 14 states entered the Union with Blaine amendments. Utah in 1907, and New Mexico and Arizona in 1912, did so after the end of the nineteenth century.

Public schools in the 1800s were essentially Protestant schools. When Catholics requested public funds for their schools, their request was denied. The Blaine amendments were aimed at making that denial permanent. Until the U.S. Supreme Court began restricting such practices in recent years, the public schools of the nation continued prayers in school, Bible reading in school—so long as the Bible was a Protestant one—and religious classes in school during regular school hours.

Everson and Blaine

The U.S. Supreme Court began the contemporary controversy over the restriction of religious expression in public life with its *Everson* decision of 1947, when it cited the "wall of separation between church and state." That was a phrase first used by Thomas Jefferson in a letter in 1801, 14 years after the adoption of the U.S. Constitution, which was created in 1787 by a convention that Jefferson not only did not attend, but which occurred when he wasn't even in the country.

In *Everson*, the 1947 Court ruled any aid or benefit to religion from government action is unconstitutional. The Court combined the First and Fourteenth amendments to arrive at this totally new conclusion, generations after the Constitution, the Bill of Rights, and even the Fourteenth Amendment, added in 1868, had been adopted. James Blaine and his Congressional colleagues—the generation that adopted the Fourteenth Amendment—saw no such relationship, or they would not have found it necessary to attempt to explicitly amend the Constitution to prohibit aid to religious schools.

Everson, the *Dred Scott* decision of the 1850s, and the *Plessy v. Ferguson* decision in the 1890s, may be the U.S. Supreme Court's three worst decisions. It took the Civil War to negate *Dred Scott*, which said blacks had no rights a white was required to recognize. *Plessy*, which held separate but equal facilities for blacks and whites were constitutional, was finally reversed by the *Brown v. Board of Education* decision of 1954, after decades of intermediate decisions.

Reversing *Everson* and Blaine

The shame of Blaine may, at long last, similarly be coming to an end. In 1985, Chief Justice William Rehnquist said the *Everson* decision was wrong and should be reversed. That, however, was a personal, rather than a Court, opinion.

Meaningful movement began in January 2000, when the Arizona Supreme Court upheld a 1997 state tuition tax credit law. The majority opinion specifically referred to Blaine's effort, terming it "a clear manifestation of religious bigotry, part of a crusade manufactured by the contemporary Protestant establishment, to counter what was perceived as a growing 'Catholic menace' ... contemporary sources labeled the amendment part of a plan to 'institute a general war against the Catholic church.'"

In June 2000, in the U.S. Supreme Court's *Mitchell* decision upholding the provision of materials to students in religious schools, Justice Clarence Thomas, for the majority, said "hostility to aid to pervasively sectarian schools has a shameful pedigree that we do not hesitate to disavow." Referring to the Blaine amendment by name, he wrote, "Consideration of the amendment arose at a time of pervasive hostility to the Catholic Church and to Catholics in general, and it was an open secret that 'sectarian' was code for 'Catholic' ... This doctrine, born of bigotry, should be buried now."

On June 27, 2002, in its *Zelman* decision, the Supreme Court held Ohio's voucher law for Cleveland did not violate the First Amendment's religion clause. Moreover, Chief Justice Rehnquist, writing for the majority, noted, "Three times we have confronted Establishment Clause challenges to neutral government programs that provide aid directly to a broad class of individual, who, in turn, direct the aid to religious schools or institution of their own choosing. Three times we have rejected such challenges."

That should settle the question regarding the U.S. Constitution's First Amendment Establishment Clause. Now the ruling of the Ninth Circuit Court of Appeals begins to settle the question of the First Amendment's Free Exercise Clause.

David W. Kirkpatrick, a former public school teacher who has been actively and extensively involved in education reform, is the editor-in-chief of Schoolreformers.com, *a portal for parents and grassroots activists who care about education in America. His email address is* DaveK@SchoolReformers.com.

Judge Strikes Down Florida Voucher Law

On August 5, just weeks before the start of the school year, a state judge in Tallahassee ruled Florida's Opportunity Scholarship program unconstitutional, since the state constitution forbids the use of tax money to send children to religious schools.

Lawyers for the Institute for Justice, which is defending the program, vowed to appeal and request a stay of the decision so as not to disrupt the education of the children already participating in the program and the additional children planning to join it this fall.

The court's opinion failed to address the question of whether Florida's exclusion of religious schools violates the First Amendment right to the free exercise of religion.

For more information...

WWW The 35-page ruling in *Davey v. Locke*, issued on July 18, 2002 by the U.S. Court of Appeals for the Ninth Circuit, is available from the Court's Web site at **www.ca9.uscourts.gov/ca9/newopinions.nsf/D3BB2B79B2BAD08688256BFA005882C4/$file/0035962.pdf?openelement**.

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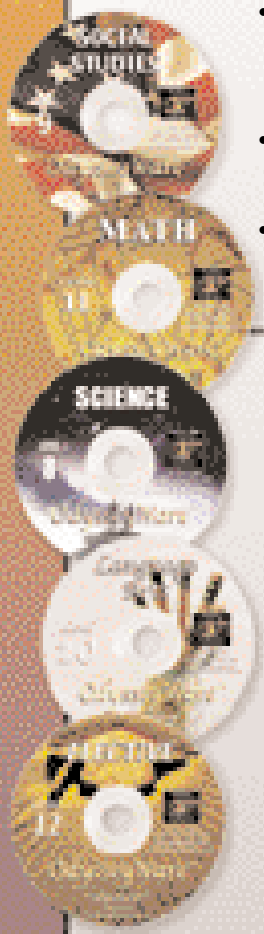

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